



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 2

PERMANENCE ORDERS

Variation

93 Amendment of order to grant authority for child to be adopted

- (1) This section applies where—
 - (a) a permanence order in respect of a child is in force, and
 - (b) the order does not include provision granting authority for the child to be adopted.
- (2) On the application of the local authority on whose application the order was made, the appropriate court may amend the order so as to include provision granting authority for the child to be adopted if (and only if)—
 - (a) the court is satisfied that the child has been placed for adoption, or is likely to be placed for adoption,
 - (b) the court is satisfied that the condition in subsection (3) or subsection (4) is met, and
 - (c) the court considers that it would be better for the child that authority for the child to be adopted is granted than that it should not be granted.
- (3) The condition is that each parent or guardian of the child understands what the effect of making an adoption order would be and consents to the making of such an order in relation to the child.
- (4) The condition is that the consent of each parent or guardian should be dispensed with on any of the grounds mentioned in section 83.
- (5) Subsections (4), (5)(a) and (b) and (6) of section 84 apply to the amendment of a permanence order under this section as they apply to the making of such an order.
- (6) In subsections (3) and (4)—

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 93 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“guardian”, in relation to a child in respect of whom a permanence order to which this section applies is in force, means a guardian—

- (a) who has any parental responsibilities or parental rights in relation to the child, or
- (b) who, by virtue of the making of a previous such order, no longer has any such responsibilities or rights,

“parent”, in relation to a child in respect of whom a permanence order to which this section applies is in force, means a parent—

- (a) who has any parental responsibilities or parental rights in relation to the child, or
- (b) who, by virtue of the making of a previous such order, no longer has any such responsibilities or rights.

Commencement Information

- II** S. 93 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)