These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4) which received Royal Assent on 15 January 2007

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS
Chapter 6

Adoptions With a Foreign Element

Section 67 - Meaning of "overseas adoption"

242. Subsection (1) defines "overseas adoption" as an adoption as described in regulations made by the Scottish Ministers where the description is that of an adoption effected under the law of any country or territory outwith the British Islands (namely outwith the United Kingdom, Channel Islands and Isle of Man), but that is not a Convention adoption.

243. Subsection (2) allows for regulations to specify requirements that should be met by an adoption for it to be an overseas adoption after commencement of the regulations.

244. Subsection (3) restricts the Scottish Ministers' power to make regulations under subsection (1) while regulations under subsection (2) are in force. The power must be exercised to ensure that adoptions effected after the coming into force of regulations under subsection (2) are not overseas adoptions if they are unlikely, within a reasonable time, to comply with the requirements in those regulations.

245. Subsection (4) provides that any regulations made under subsection (1) may indicate how evidence of overseas adoptions may be given.