



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

## CHAPTER 2

### THE ADOPTION PROCESS

#### *Restrictions on removal of children placed for adoption*

#### **22 Restrictions on removal: application for adoption order pending**

- (1) Subsection (2) applies where—
- (a) an application for an adoption order in relation to a child has been made to, but not determined by, the appropriate court, and
  - (b) during the period of 5 years immediately preceding the making of the application, the child's home has been with the persons applying for the order (the “prospective adopters”).
- (2) Except where subsection (3) applies, a person may not remove the child from the care of the prospective adopters.
- (3) This subsection applies if—
- (a) the prospective adopters consent to the removal,
  - (b) the court determining the application grants leave for the removal,
  - (c) the child is arrested, or
  - (d) the removal is authorised by virtue of any enactment.
- (4) A person who removes a child in contravention of this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.

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**Changes to legislation:** Adoption and Children (Scotland) Act 2007, Section 22 is up to date with all changes known to be in force on or before 05 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

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**Modifications etc. (not altering text)**

- C1** Pt. 1 Ch. 2 applied in part (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(1)**
- C2** S. 22 excluded (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(4)(c)**
- C3** S. 22 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**
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**Commencement Information**

- I1** S. 22 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\(3\)\(c\)](#)