



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 3

STATUS OF ADOPTED CHILDREN

41 Miscellaneous enactments

- (1) Subject to subsection (2), section 40 does not apply—
 - (a) for the purposes of determining the forbidden degrees of consanguinity and affinity in respect of the law relating to marriage or to the eligibility of persons to register as civil partners of each other, or
 - (b) in respect of the crime of incest.
- (2) On the making of an adoption order, the adopter and the person adopted are deemed, for all time coming, to be within the forbidden degrees in respect of the law relating to marriage, to such eligibility and to incest.
- (3) Section 40 does not apply for the purposes of any provision of—
 - (a) the British Nationality Act 1981 (c. 61),
 - (b) the Immigration Act 1971 (c. 77),
 - (c) any instrument having effect under either of those Acts, or
 - (d) any other law for the time being in force which determines British citizenship, British overseas territories citizenship or British Overseas Citizenship.

Modifications etc. (not altering text)

- C1 S. 41 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](#)

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 41 is up to date with all changes known to be in force on or before 10 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](#)

Commencement Information

- II** S. 41 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)

Changes to legislation:

Adoption and Children (Scotland) Act 2007, Section 41 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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\(3\)\(c\)](#)