

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No.**

**The Scotland's Adoption Register Regulations 2016**

**Information about children to be provided for inclusion in Register**

4.—(1) This regulation applies where—

- (a) an adoption agency mentioned in paragraph (a) of the definition of “adoption agency” in section 119(1) of the Act decides under the 2009 Regulations that—
  - (i) adoption is in the best interests of a child; or
  - (ii) an application for a permanence order granting authority for a child to be adopted should be made under section 80 of the Act; and
- (b) in the case of a child aged 12 or over who an adoption agency considers is capable of consenting to information about that child being provided to the Scottish Ministers under this regulation for inclusion in the Register, the child has consented to that information being so provided.

(2) Subject to paragraph (3), the adoption agency must, no later than 3 months beginning with the date of the decision mentioned at paragraph (1)(a), provide to the Scottish Ministers for inclusion in the Register the information set out in Schedule 1 in respect of the child.

(3) The requirement at paragraph (2) does not apply where an adoption panel has, at the date of the adoption agency decision mentioned in paragraph (1)(a) or at any time during the period of 3 months mentioned in paragraph (2), recommended, under the 2009 Regulations, that a prospective adopter would be a suitable adoptive parent for the child.

(4) Where, after information is provided under this regulation for inclusion in the Register, an adoption agency becomes aware of any change to the information, the agency must notify the Scottish Ministers of that change as soon as is reasonably practicable.

(5) Where a child in respect of whom information has been provided under this regulation is placed for adoption by an adoption agency with a prospective adopter, the adoption agency must notify the Scottish Ministers as soon as is reasonably practicable.

(6) Where, after information is provided under this regulation, it is decided that adoption is no longer in the child's best interests or that an application for a permanence order granting authority for the child to be adopted should not be made under section 80 of the Act, an adoption agency must as soon as is reasonably practicable—

- (a) notify the Scottish Ministers of that; and
- (b) inform the Scottish Ministers of the reason for this decision.