
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

The Adoptions with a Foreign
Element (Scotland) Regulations 2009

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 1

PROCEDURE IN SCOTLAND WHERE THE
UNITED KINGDOM IS THE RECEIVING STATE

Procedure following decision that prospective adopters are suitable to adopt

- 20.**—(1) Paragraph (2) applies where an adoption agency—
- (a) has determined that the prospective adopters are eligible to adopt; and
 - (b) has made a decision that the prospective adopters are suitable to be adoptive parents.
- (2) The adoption agency must send to the Central Authority within 7 days of the date the decision mentioned in paragraph (1)(b) is made—
- (a) written confirmation of the decision; and
 - (b) a copy of the written report prepared under regulation 16(4).
- (3) The Central Authority may, if it considers it appropriate, require further information from the adoption agency.
- (4) If the Central Authority is satisfied that the adoption agency has—
- (a) complied with these Regulations; and
 - (b) supplied all the information required under paragraph (2) and, where appropriate and available to the Authority, under paragraph (3),
- the Authority must send to the CA of the State of origin the documents mentioned in paragraph (5).
- (5) The documents are—
- (a) a certificate in the form set out in Schedule 2 confirming that—
 - (i) the prospective adopters are eligible to adopt;
 - (ii) the prospective adopters have been assessed in accordance with these Regulations;
 - (iii) the prospective adopters have been approved as suitable to be adoptive parents; and
 - (iv) the child will be authorised to enter and reside permanently in the United Kingdom if either of the conditions mentioned in paragraph (6) are met;
 - (b) the information required under paragraph (2)(a) and (b); and
 - (c) the documents (if any) containing information required under paragraph (3).
- (6) The conditions are that—

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- (a) the requirements specified in section 1(5A) of the British Nationality Act 1981(1) are met;
 - (b) entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed and a Convention adoption order or Convention adoption is made.
- (7) The Central Authority must notify the adoption agency and the prospective adopters in writing that the certificate and documents have been sent to the CA of the State of origin.

(1) 1981 c. 61. Subsection (5A) of section 1 was inserted by the Adoption (Intercountry Aspects) Act 1999, section 7 and was subsequently amended by the Adoption and Children Act 2002 c. 38, sections 137(4)(b) and 148 and Schedule 4.