
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

The Adoptions with a Foreign
Element (Scotland) Regulations 2009

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 2

PROCEDURE IN SCOTLAND WHERE THE
UNITED KINGDOM IS THE STATE OF ORIGIN

Decision and notification

- 43.**—(1) The adoption agency must—
- (a) take into account the recommendation of the adoption panel in coming to a decision (“the decision”) on whether adoption by a person, or a relevant couple, habitually resident in a Convention country outwith the British Islands is in the best interests of the child; and
 - (b) make the decision within 14 days of the date the recommendation was made.
- (2) No member of the adoption panel which made the recommendation is to take part in the decision.
- (3) Where the decision is that adoption is in the best interests of the child, the adoption agency must, within 7 days of making the decision, notify the Central Authority of—
- (a) the name and age of the child;
 - (b) the reasons why the agency considers that the child may be suitable for adoption by a person, or a relevant couple, habitually resident in a Convention country outside the British Islands; and
 - (c) any other information that the Central Authority may require.
- (4) The adoption agency must within 7 days of the day on which the decision is made notify in writing the parent or guardian of the child, and any individual who has any parental responsibilities or parental rights in relation to the child, that the child has been approved in principle for adoption in a Convention country outwith the British Islands.
- (5) Paragraph (4) does not apply if, after reasonable steps have been taken by the adoption agency, the identity of the parent, guardian or individual cannot be ascertained.