
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Adoptions with a Foreign Element (Scotland) Regulations 2009 (“the principal Regulations”) to remove the requirement that prospective adopters, in adoptions proceeding under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (“the Convention”), visit the child in their State of origin before an agreement under Article 17(c) of the Convention is made. They also make provision for notification requirements when the prospective adopters have visited the child by inserting new paragraphs (5A) and (5B) in regulation 21 of the principal Regulations. Regulation 2(3) makes a consequential amendment to regulation 22 of the principal Regulations.

These amendments apply to adoptions in Scotland where the United Kingdom is the receiving State (where a child is brought from outwith the British Islands to the United Kingdom for adoption by a British resident in accordance with the Convention).