



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 7

MISCELLANEOUS

Scotland, Northern Ireland and the Islands

105 Effect of certain Scottish orders and provisions

- (1) A Scottish adoption order or an order under section 25 of the Adoption (Scotland) Act 1978 (c. 28) (interim adoption orders) has effect in England and Wales as it has in Scotland, but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
 - (2) [^{F1}A Scottish permanence order which includes provision granting authority for the child to be adopted has the same effect in England and Wales as it has in Scotland], but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
 - [^{F2}(3) Any person who contravenes any of the provisions of the Adoption and Children (Scotland) Act 2007 mentioned in subsection (3A) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale or both.
- (3A) The provisions are—
- (a) section 20 (restrictions on removal: child placed for adoption);
 - (b) section 21 (restrictions on removal: notice of intention to adopt given);
 - (c) section 22 (restrictions on removal: application for adoption order pending).]

Changes to legislation: Adoption and Children Act 2002, Section 105 is up to date with all changes known to be in force on or before 23 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

(4) Orders made under [^{F3}section 24 of the Adoption and Children (Scotland) Act 2007 (return of child removed in breach of certain provisions)] are to have effect in England and Wales as if they were orders of the High Court under section 41 of this Act.

[^{F4}(5) In this section, “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions Order 2009 (S.S.I. 2009/267)).]

Textual Amendments

- F1** Words in s. 105(2) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(a)**
- F2** S. 105(3)(3A) substituted for s. 105(3) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(b)**
- F3** Words in s. 105(4) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(c)**
- F4** S. 105(5) inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(d)**

Modifications etc. (not altering text)

- C1** S. 105(2) modified (2.11.2010) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2469\)](#), arts. 1(1), 4
- C2** S. 105(3)(4) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

Commencement Information

- I1** S. 105 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(j)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

Changes to legislation:

Adoption and Children Act 2002, Section 105 is up to date with all changes known to be in force on or before 23 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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))