

Status: Point in time view as at 28/09/2009.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Adoption records is up to date with all changes known to be in force on or before 18 May 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)



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Adoption records

37 Information to be kept about adoptions

- The Scottish Ministers may make regulations for or in connection with specifying—
- (a) the information which an adoption agency must keep in relation to adoptions, and
 - (b) the form and manner in which it must keep the information.

Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 2 applied in part (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(1)**

Commencement Information

- I1** S. 37 in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** S. 37 in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

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38 Disclosure of information kept under relevant enactment

- (1) The Scottish Ministers may by regulations make provision for or in connection with the disclosure by adoption agencies to adopted persons and other persons of a description or descriptions specified in the regulations of information kept by virtue of a relevant enactment.
- (2) Regulations under subsection (1) may in particular include provision—
 - (a) in circumstances specified in the regulations, conferring discretion on adoption agencies as to whether to disclose or withhold information,
 - (b) specifying conditions which are to apply in relation to the disclosure of information, or information of a type so specified, to adopted persons of a description or descriptions so specified,
 - (c) specifying circumstances in which information should not be disclosed to adopted persons of a description or descriptions so specified,
 - (d) about the review of decisions of adoption agencies in connection with—
 - (i) the disclosure of information,
 - (ii) the conditions applicable to such disclosure.
- (3) In this section, “relevant enactment” means—
 - (a) section 37, or
 - (b) any other enactment (whether or not in force) which imposes a requirement (however expressed) to keep records relating to adoptions.

Commencement Information

- I3** S. 38 in force at 20.4.2009 for specified purposes by S.S.I. 2009/147, art. 2, Sch.
- I4** S. 38 in force at 28.9.2009 in so far as not already in force by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

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