

Status: Point in time view as at 25/05/2018.

Changes to legislation: Adoption and Children (Scotland) Act 2007, SCHEDULE 1 is up to date with all changes known to be in force on or before 23 June 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)

SCHEDULE 1

(introduced by section 53(4))

REGISTRATION OF ADOPTIONS

Registration of adoption orders

- 1 (1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers.
- (2) For the purposes of compliance with the requirements of sub-paragraph (1)—
- (a) where the precise date of the child's birth is not proved to the satisfaction of the court—
 - (i) the court is to determine the probable date of the child's birth, and
 - (ii) the date so determined is to be specified in the adoption order as the date of the child's birth,
 - (b) where the country of birth of the child is not proved to the satisfaction of the court—
 - (i) if it appears probable that the child was born in a part of the British Islands, the child is to be treated as having been born in Scotland,
 - (ii) in any other case, the particulars of the country of birth may be omitted from the adoption order and from the entry in the Adopted Children Register,
 - (c) where—
 - (i) the application for the adoption order specifies a name (or names) and surname as being those of the child, that name (or those names) and surname are to be recorded in the adoption order as the name (or names) and surname of the child,
 - (ii) no name (or names) or surname is so specified, the original name (or names) of the child and the surname of the applicant are to be recorded in the adoption order as the name (or names) and surname of the child.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C2** Sch. 1 para. 1 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I1** Sch. 1 para. 1(1) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** Sch. 1 para. 1(1) 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)
- I3** Sch. 1 para. 1(2) in force at 28.9.2009 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)

- 2 (1) Sub-paragraph (2) applies where—
- (a) on an application to the appropriate court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the register of births relates is proved to the satisfaction of the court, and

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(b) the child has not previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force.

(2) Any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register of births is marked with the word “Adopted”.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C3** Sch. 1 para. 2 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I4** Sch. 1 para. 2 in force at 28.9.2009 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)

3 Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force, the order must contain a direction to the Registrar General to secure that the previous entry in the Adopted Children Register is marked with the word “Re-adopted”.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**

Commencement Information

- I5** [Sch. 1 para. 3](#) in force at 28.9.2009 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)

4 (1) Where an adoption order is made, the clerk of the court which made the order must secure that the order is communicated to the Registrar General.

(2) As soon as is reasonably practicable after receipt of the communication, the Registrar General must secure that the direction contained in the order is complied with.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C4** Sch. 1 para. 4 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I6** Sch. 1 para. 4 in force at 28.9.2009 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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Registration of adoptions in other parts of the British Islands

- 5
- (1) Sub-paragraphs (2) and (3) apply where the Registrar General is notified by the authority maintaining a register of adoptions in a part of the British Islands outwith Scotland that an order has been made in that part authorising the adoption of a child.
 - (2) If an entry in the register of births (and no entry in the Adopted Children Register) relates to the child, the Registrar General must secure that the entry is marked with the word “Adopted” followed by the name, in brackets, of the part of the British Islands in which the order was made.
 - (3) If an entry in the Adopted Children Register relates to the child, the Registrar General must mark the entry with the word “Re-adopted” followed by the name, in brackets, of the part of the British Islands in which the order was made.
 - (4) Where, after an entry in either of the registers mentioned in sub-paragraphs (2) and (3) has been so marked, the Registrar General is notified by the authority concerned that—
 - (a) the order has been quashed,
 - (b) an appeal against the order has been allowed, or
 - (c) the order has been revoked,the Registrar General must secure that the marking is cancelled.
 - (5) Where the marking of an entry in a register is cancelled under sub-paragraph (4), an extract of the entry is not to be treated as accurate unless both the marking and the cancellation are omitted from it.
 - (6) This paragraph applies in relation to orders corresponding to orders under section 59 as it applies in relation to orders authorising the adoption of a child except that any marking of an entry required by virtue of this sub-paragraph is to consist of the words “proposed foreign adoption” or, as the case may require, “proposed foreign re-adoption” followed by the name, in brackets, of the part of the British Islands in which the order was made.

Modifications etc. (not altering text)

- C5** Sch. 1 para. 5 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I7** Sch. 1 para. 5 in force at 28.9.2009 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)

Registration of other adoptions

- 6
- (1) If the Registrar General is satisfied, on an application under this paragraph, that the Registrar General has sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry to be made in the Adopted Children Register for the child, the Registrar General must make the entry accordingly.
 - (2) If the Registrar General is also satisfied that an entry in the register of births relates to the child, the Registrar General must secure that the entry in that register is marked “Adopted” or “Re-adopted”, as the case may be, followed by the name, in brackets, of the country in which the adoption was effected.

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- (3) An application under this paragraph must be made in the prescribed manner by a prescribed person and the applicant must provide the prescribed particulars.
- (4) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the prescribed form.
- (5) In this paragraph—
 - “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers,
 - “registrable foreign adoption” means an adoption which satisfies prescribed requirements and which is—
 - (a) a Convention adoption, or
 - (b) an overseas adoption.

Commencement Information

- I8** Sch. 1 para. 6(1)(2) in force at 28.9.2009 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)
- I9** Sch. 1 para. 6(3)-(5) in force at 20.4.2009 for specified purposes by S.S.I. 2009/147, art. 2, Sch.
- I10** Sch. 1 para. 6(3)-(5) 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)

Amendment of orders and rectification of registers

- 7 (1) The court by which an adoption order has been made may, on the application of the adopter or the adopted person, amend the order by the correction of any error in the particulars contained in it.
- (2) The court by which an adoption order has been made may, if satisfied on the application of the adopter or the adopted person that before the expiry of the period of one year beginning with the date of the order any new name—
 - (a) has been given to the adopted person (whether in baptism or otherwise), or
 - (b) has been taken by the adopted person,
 in place of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or, as the case may be, adding that name in those particulars.
- (3) The court by which an adoption order has been made may, if satisfied on the application of any person concerned that a direction for the marking of an entry in the register of births or the Adopted Children Register included in the order in pursuance of paragraph 2 or 3 was wrongly so included, revoke that direction.
- (4) Where an adoption order is amended or a direction revoked under sub-paragraphs (1) to (3), the clerk of the court must secure that the amendment is communicated in the prescribed manner to the Registrar General.
- (5) As soon as is reasonably practicable after receipt of the communication, the Registrar General must secure that—
 - (a) the entry in the Adopted Children Register is amended accordingly, or
 - (b) the marking of the entry in the register of births or the Adopted Children Register is cancelled,

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as the case may be.

- (6) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court must give directions to the Registrar General to secure that—
- (a) any entry in the Adopted Children Register, and
 - (b) any marking of an entry in that register or, as the case may be, the register of births,
- which was effected in pursuance of the order is cancelled.
- (7) Where an adoption order has been amended, any extract of the relevant entry in the Adopted Children Register which may be issued in pursuance of section 54 must be a copy of the entry as amended, without the reproduction of—
- (a) any note or marking relating to the amendment, or
 - (b) any matter cancelled in pursuance of it.
- (8) Where the marking of an entry is cancelled, an extract of the entry is not to be treated as accurate unless both the marking and the cancellation are omitted from it.
- (9) If the Registrar General is satisfied—
- (a) that a registrable foreign adoption (as defined in sub-paragraph (5) of paragraph 6) has ceased to have effect (whether on annulment or otherwise), or
 - (b) that any entry or mark was erroneously made in pursuance of that paragraph in the Adopted Children Register or the register of births,
- the Registrar General may secure that such alterations are made in those registers as the Registrar General considers are required in consequence of the adoption ceasing to have effect or to correct the error.
- (10) Where an entry in such a register is amended in pursuance of sub-paragraph (9), an extract of the entry is not to be treated as accurate unless it shows the entry as amended but without indicating that it has been amended.
- (11) In this paragraph, “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers.

Modifications etc. (not altering text)

- C6** Sch. 1 para. 7 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I11** Sch. 1 para. 7(4)(11) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I12** Sch. 1 para. 7(4)(11) 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)

Marking of entries on re-registration of birth

- 8 Without prejudice to any other provision of this Act, where—
- (a) an entry in the register of births has been marked in accordance with paragraph 5 or 6, and
 - (b) the birth is re-registered under section 20(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49),

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the entry made on re-registration must be marked in the same way.

Modifications etc. (not altering text)

C7 Sch. 1 para. 8 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

I13 Sch. 1 para. 8 in force at 28.9.2009 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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