



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Restrictions on removal of children placed for adoption

21 Restrictions on removal: notice of intention to adopt given

- (1) Subsection (2) applies where—
- (a) persons (“prospective adopters”) give notice under section 18(2) in relation to a child, and
 - (b) during the period of 5 years immediately preceding the giving of notice, the child's home has been with the prospective adopters.
- (2) Except where subsection (3) applies, a person may not remove the child from the care of the prospective adopters during the period beginning with the giving of notice and ending with the relevant act.
- (3) This subsection applies if—
- (a) the prospective adopters consent to the removal,
 - (b) a court having jurisdiction to make adoption orders grants leave for the removal,
 - (c) the child is arrested, or
 - (d) the removal is authorised by virtue of any enactment.
- (4) For the purposes of subsection (2), “relevant act” means—

Status: Point in time view as at 28/09/2009.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 21 is up to date with all changes known to be in force on or before 09 September 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)

- (a) where before the expiry of the 3 month period the prospective adopters apply for an adoption order in relation to the child to whom the notice relates, the making of the application for the adoption order,
 - (b) where the prospective adopters do not apply for an adoption order before the expiry of that period, the expiry of that period.
- (5) In this section, “3 month period” means the period of 3 months beginning with the day on which the local authority receives the notice.
- (6) If during—
- (a) the 3 month period, or
 - (b) the period of 28 days beginning with the expiry of the 3 month period,
- the prospective adopters give a further notice under section 18(2) to a local authority in respect of the same child, subsection (2) does not apply.
- (7) A person who removes a child in contravention of this section commits 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.

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)**
- C2** S. 21 excluded (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(4)(b)**
- C3** S. 21(6) excluded (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **6(2)**

Commencement Information

- I1** S. 21 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)

Status:

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

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