



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 2

##### THE ADOPTION PROCESS

###### *Return of children*

#### **24 Return of child removed in breach of certain provisions**

- (1) The relevant court may, on the application of a person from whose care a child has been removed in breach of any of the relevant provisions, order the person who has so removed the child to return the child to the applicant.
- (2) The relevant court may, on the application of a person who has reasonable grounds for believing that another person is intending to remove a child from the applicant's care in breach of any of the relevant provisions, by order direct that other person not to remove the child from the applicant's care in breach of the provision concerned.
- (3) The “relevant court” is—
  - (a) if there is pending in respect of the child an application for an adoption order or a permanence order, the court in which the application is pending,
  - (b) in any other case—
    - (i) the Court of Session, or
    - (ii) the sheriff court of the sheriffdom within which the applicant resides.
- (4) The relevant provisions are—
  - (a) sections 20, 21, 22 and 23,
  - (b) sections 30, 34, 35 and 36 of the 2002 Act,
  - (c) Articles 28 and 29 of the Northern Ireland Order.

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*Status: Point in time view as at 28/09/2009. This version of this provision has been superseded.*

*Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 24 is up to date with all changes known to be in force on or before 26 July 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)*

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**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. 24 excluded (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(4)(d)**
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**Commencement Information**

- I1** S. 24 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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