



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

The making of adoption orders

29 Adoption by certain couples

- (1) Where—
- (a) each member of a relevant couple is aged 21 or over,
 - (b) neither member of the couple is a parent of the child to be adopted, and
 - (c) one of the conditions in subsection (2) is met,
- an adoption order may be made on the application of the couple.
- (2) Those conditions are—
- (a) that a member of the couple is domiciled in a part of the British Islands,
 - (b) that each member of the couple has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (3) A couple is “relevant” for the purposes of this section if its members are—
- (a) persons who are married to each other,
 - (b) persons who are civil partners of each other,
 - (c) persons who are living together as if husband and wife in an enduring family relationship, or
 - (d) persons who are living together as if civil partners in an enduring family relationship.

Status: Point in time view as at 28/09/2009.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 29 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)

- (4) In this section “parent”, in relation to the child to be adopted, means a parent who has any parental responsibilities or parental rights in relation to the child.

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. 29 applied (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(2)(b)**

Commencement Information

- II** S. 29 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:

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