



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 7

##### MISCELLANEOUS

###### *Prohibited payments*

### **72 Prohibition of certain payments**

- (1) This section applies to any payment (other than an excepted payment) which is made to any person for or in consideration of—
- the adoption by that person of a child,
  - the giving by that person of any consent required in connection with the adoption of a child,
  - the transfer by that person of the care of a child with a view to the adoption of the child, or
  - the making by that person of any arrangements for the adoption of a child.
- (2) Any person who—
- makes any payment to which this section applies,
  - agrees or offers to make any such payment,
  - receives, or agrees to receive, any such payment, or
  - attempts to obtain any such payment,
- commits an offence.
- (3) A person who commits an offence under subsection (2) 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.

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**Changes to legislation:** Adoption and Children (Scotland) Act 2007, Section 72 is up to date with all changes known to be in force on or before 05 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) View outstanding changes

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- (4) Where a person is convicted of an offence under subsection (2), the court may, without prejudice to any power which it has to make any other order in relation to the child as respects whom the offence was committed, order the child to be removed to a place of safety until—
- (a) the child can be returned to the child's parent or guardian, or
  - (b) other arrangements can be made for the child.
- (5) In this section—
- “payment” includes reward,
- “place of safety” has the meaning given by section <sup>F1</sup>202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1).

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#### Textual Amendments

- F1** Words in s. 72(5) substituted (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 17(4)**
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#### Commencement Information

- I1** S. 72 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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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)