



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 6

ADOPTIONS WITH A FOREIGN ELEMENT

Restrictions on movement of children

VALID FROM 20/04/2009

58 Restriction on bringing children into the United Kingdom

- (1) This section applies where a person who is habitually resident in the British Islands (the “British resident”)—
 - (a) brings, or causes another to bring, a child who is habitually resident outwith the British Islands into the United Kingdom for the purpose of adoption by the British resident, or
 - (b) at any time brings, or causes another to bring, into the United Kingdom a child adopted by the British resident under an external adoption effected within the period of 12 months ending with that time.
- (2) In subsection (1), the references to adoption, or a child adopted, by the British resident include a reference to adoption, or a child adopted, by the British resident and another person.
- (3) This section does not apply if the child is intended to be adopted under a Convention adoption order.

Status: Point in time view as at 01/09/2008. This version of this provision is not valid for this point in time.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 58 is up to date with all changes known to be in force on or before 05 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)

- (4) An external adoption means an adoption, other than a Convention adoption, of a child effected under the law of any country or territory outwith the British Islands, whether or not the adoption is—
 - (a) an adoption within the meaning of Chapter 3, or
 - (b) a full adoption (as defined in section 40(8)).
- (5) Regulations may require a person intending to bring, or to cause another to bring, a child into the United Kingdom in circumstances where this section applies—
 - (a) to apply to an adoption agency in the prescribed manner for an assessment of the person's suitability to adopt the child, and
 - (b) to give the agency any information it may require for the purpose of the assessment.
- (6) Regulations may require prescribed conditions to be met in respect of a child brought into the United Kingdom in circumstances where this section applies.
- (7) In relation to a child brought into the United Kingdom for adoption in circumstances where this section applies, regulations may provide for any provision of Chapter 2 to apply with modifications or not to apply.
- (8) Regulations may provide for this section not to apply if—
 - (a) the adopters or, as the case may be, prospective adopters of the child in question are—
 - (i) natural parents,
 - (ii) natural relatives, or
 - (iii) guardians,of the child (or one of them is), or
 - (b) the British resident in question is a step-parent of the child, and any prescribed conditions are met.
- (9) On the occasion of the first exercise of the power to make regulations under subsection (8)—
 - (a) the regulations must not be made unless a draft of the regulations has been approved by a resolution of the Scottish Parliament, and
 - (b) accordingly section 117(4) does not apply to the statutory instrument containing the regulations.
- (10) In this section, “prescribed” means prescribed by regulations and “regulations” means regulations made by the Scottish Ministers.

Status:

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