
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 19

The Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003

PART 2

Procedure in Scotland where the United Kingdom is the receiving State

Breakdown of placement

17.—(1) This regulation applies where—

- (a) the prospective adopter notifies the relevant local authority under regulation 15 that the prospective adopter does not wish to proceed with the adoption;
- (b) the relevant local authority has removed the child from the home of the prospective adopter whether in accordance with regulation 16 or under any other power competent to it; or
- (c) an application for a Convention adoption order is refused, or a Convention adoption or a Convention adoption order is annulled pursuant to section 53(1) of the 1978 Act⁽¹⁾.

(2) Before coming to any decision under this regulation, the relevant local authority shall have regard to the wishes and feelings of the child, having regard to the child's age and understanding, and, where appropriate, obtain the child's consent in relation to measures to be taken under this regulation.

(3) Where the relevant local authority is satisfied that it would be in the child's best interests to be placed for adoption with another prospective adopter habitually resident in the United Kingdom it shall seek to identify a suitable adoptive parent for the child.

(4) Where the relevant local authority has identified another prospective adopter who is eligible to adopt and has been assessed in accordance with these Regulations (or their equivalent applying elsewhere in the British Islands) and approved as suitable to be an adoptive parent in accordance with regulations 3 to 8, that authority shall inform the Central Authority and the requirements specified in regulation 9(1) shall apply so that it may, in turn, inform SOCA of the proposed placement and agree that placement with SOCA in accordance with the procedures set out in Part 2 of these Regulations.

(5) Where the Central Authority has received notice in terms of paragraph (4), it shall—

- (a) notify SOCA of the proposed placement; and
- (b) seek to agree that placement with SOCA in accordance with the provisions in this Part of these Regulations.

(6) Where the relevant local authority is not satisfied that it would be in the child's best interests to be placed for adoption with another prospective adopter in the United Kingdom, it shall liaise with the Central Authority to arrange for the return of the child to that child's State or origin.

⁽¹⁾ Section 53(1) of the 1978 Act was amended by section 6 of the 1999 Act.