

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 182**

**The Adoptions with a Foreign  
Element (Scotland) Regulations 2009**

**PART 3**

**ADOPTIONS UNDER THE CONVENTION**

**CHAPTER 1**

**PROCEDURE IN SCOTLAND WHERE THE  
UNITED KINGDOM IS THE RECEIVING STATE**

**Criminal record checks**

- 15.**—(1) This regulation applies to an adoption agency to which regulation 14(2) applies.
- (2) The adoption agency must so far as is reasonably practicable obtain information about—
- (a) any criminal convictions of the prospective adopters and any other member of the prospective adopters' household aged 16 or over; and
  - (b) any police cautions issued to such persons in England, Wales or Northern Ireland in respect of an offence which was admitted at the time the caution was issued.
- (3) In paragraph (2)(a), the reference to criminal convictions includes a reference to convictions in England, Wales or Northern Ireland.
- (4) The adoption agency is not to consider prospective adopters to be suitable to be adoptive parents if the prospective adopters or any member of their household aged 16 or over—
- (a) have been convicted of an offence specified in Schedule 1;
  - (b) have been convicted of—
    - (i) a specified offence (within the meaning of regulation 23(3) of the Adoption Agencies Regulations 2005<sup>(1)</sup> (requirement to carry out police checks)), other than an offence mentioned in paragraphs 2 to 11 of Part I of Schedule 3 to those Regulations (offences in Scotland and Northern Ireland); or
    - (ii) an offence mentioned in Part 2 of Schedule 3 to those Regulations (repealed statutory offences) notwithstanding its repeal; or
  - (c) have received a police caution in England, Wales or Northern Ireland in respect of an offence mentioned in sub-paragraph (a) or (b) which, at the time the caution was given, the prospective adopters or, as the case may be, the member of their household, admitted.
- (5) The adoption agency must—
- (a) as soon as possible after becoming aware that the prospective adopters are not suitable to be adoptive parents by virtue of paragraph (4), notify the prospective adopters in writing of that fact; and

---

<sup>(1)</sup> S.I.2005/389 as amended by S.I. 2005/3482 and S.I. 2007/603.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (b) where the conviction or police caution in question relates to the prospective adopters, specify in the notification the conviction or, as the case may be, the police caution.