
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 267

**The Adoption and Children (Scotland) Act
2007 (Commencement No. 4, Transitional
and Savings Provisions) Order 2009**

PART III

TRANSITIONAL AND SAVINGS PROVISIONS

CHAPTER 2

INTERCOUNTRY ADOPTION

Hague Convention adoption cases in progress

7.—(1) This article applies where a case is still in progress on the appointed day under a provision of the Hague Convention Regulations.

(2) Any action or decision under a provision of the Hague Convention Regulations will, on or after the appointed day, be treated as if it were an action or decision under the corresponding provision of the Foreign Element Regulations.

(3) Where, before the appointed day, an adoption panel has considered—

- (a) whether or not adoption by a person habitually resident in a Convention country outside the British Islands is in the best interests of the child; or
- (b) whether a prospective adopter is suitable to adopt a child,

and no decision has been made by the adoption agency before the appointed day, the Hague Convention Regulations will continue to apply for the purposes of making that decision.

(4) Where an adoption agency makes a decision under the Hague Convention Regulations (whether before the appointed day or, by virtue of paragraph (3), on or after that day) that a prospective adopter is not suitable to adopt a child, regulation 8(4) to (9) (adoption agency decision, notification and review procedure) of the Hague Convention Regulations will apply.