
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

Non-Convention adoption cases in progress

8.—(1) This article applies where a case is still in progress on the appointed day under a provision of the Overseas Adoption Regulations.

(2) Any action or decision under a provision of the Overseas Adoption 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) Paragraphs (4) and (5) apply where, before the appointed day, the prospective adopter has received notification from the Secretary of State that the Secretary of State is prepared to issue the certificate referred to in regulation 3(2)(c) of the Overseas Adoption Regulations.

(4) Where the prospective adopter has visited the child but the child has not entered the United Kingdom before the appointed day regulation 4(2)(b) to (d) of the Foreign Element Regulations will not apply.

(5) Where the child has entered the United Kingdom but the prospective adopter has not, before the appointed day, given notice of intention to adopt in accordance with regulation 3(3) of the Overseas Adoption Regulations, regulation 4(2)(b) to (d) and (3) of the Foreign Element Regulations will not apply.