
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 154

The Scotland's Adoption Register Regulations 2016

Citation and commencement

1. These Regulations may be cited as the Scotland's Adoption Register Regulations 2016 and come into force on 1st April 2016.

Interpretation

2.—(1) In these Regulations—

“the 2009 Regulations” means the Adoption Agencies (Scotland) Regulations 2009⁽¹⁾;

“the Act” means the Adoption and Children (Scotland) Act 2007;

“child who ought to be placed for adoption” means a child—

- (a) in respect of whom an adoption agency has decided under the 2009 Regulations that adoption is in the child's best interests;
- (b) in respect of whom an adoption agency has decided under the 2009 Regulations that an application for a permanence order granting authority for the child to be adopted should be made under section 80 of the Act; or
- (c) who an adoption agency mentioned in paragraph (b) of the definition of “adoption agency” in section 119(1) of the Act⁽²⁾ is satisfied ought to be placed for adoption; and

“prospective adopter” means a person—

- (a) who an adoption agency has decided under the 2009 Regulations is suitable to be an adoptive parent; or
- (b) with whom an adoption agency mentioned in paragraph (b) of the definition of “adoption agency” in section 119(1) of the Act is satisfied is suitable to have a child placed for adoption.

(2) Where the Scottish Ministers have made arrangements with an organisation under section 13B(1) of the Act, references in these Regulations to “the Scottish Ministers” are to be read as references to a registration organisation⁽³⁾.

Information to be included in Register

3. The information relating to adoption which is to be included in the Register is the information—

- (a) about a child who ought to be placed for adoption as set out in Schedule 1 including any such information which is, immediately before 1st April 2016, contained in the register

(1) [S.S.I. 2009/154](#).

(2) Paragraph (b) of the definition of “adoption agency” in section 119(1) of the Act provides that for the purpose of section 13A of the Act this includes an adoption agency within the meaning of section 2(1) of the Adoption and Children Act 2002 ([c.38](#)) and an adoption agency within the meaning of Article 3 of the Adoption (Northern Ireland) Order 1987 ([S.I. 1987/2203](#)).

(3) Section 13B(1) of the Act provides that the Scottish Ministers may authorise an organisation to perform their functions in respect of the Register. Section 13B(3) defines such an organisation as a “registration organisation”.

known as “Scotland’s Adoption Register” and which is run on behalf of the Scottish Ministers by St Andrew’s Children’s Society⁽⁴⁾; and

- (b) about prospective adopters as set out in Schedule 2 including any such information which is, immediately before 1st April 2016, contained in the register mentioned in paragraph (a).

Information about children to be provided for inclusion in Register

4.—(1) This regulation applies where—

- (a) an adoption agency mentioned in paragraph (a) of the definition of “adoption agency” in section 119(1) of the Act decides under the 2009 Regulations that—
- (i) adoption is in the best interests of a child; or
 - (ii) an application for a permanence order granting authority for a child to be adopted should be made under section 80 of the Act; and
- (b) in the case of a child aged 12 or over who an adoption agency considers is capable of consenting to information about that child being provided to the Scottish Ministers under this regulation for inclusion in the Register, the child has consented to that information being so provided.

(2) Subject to paragraph (3), the adoption agency must, no later than 3 months beginning with the date of the decision mentioned at paragraph (1)(a), provide to the Scottish Ministers for inclusion in the Register the information set out in Schedule 1 in respect of the child.

(3) The requirement at paragraph (2) does not apply where an adoption panel has, at the date of the adoption agency decision mentioned in paragraph (1)(a) or at any time during the period of 3 months mentioned in paragraph (2), recommended, under the 2009 Regulations, that a prospective adopter would be a suitable adoptive parent for the child.

(4) Where, after information is provided under this regulation for inclusion in the Register, an adoption agency becomes aware of any change to the information, the agency must notify the Scottish Ministers of that change as soon as is reasonably practicable.

(5) Where a child in respect of whom information has been provided under this regulation is placed for adoption by an adoption agency with a prospective adopter, the adoption agency must notify the Scottish Ministers as soon as is reasonably practicable.

(6) Where, after information is provided under this regulation, it is decided that adoption is no longer in the child’s best interests or that an application for a permanence order granting authority for the child to be adopted should not be made under section 80 of the Act, an adoption agency must as soon as is reasonably practicable—

- (a) notify the Scottish Ministers of that; and
- (b) inform the Scottish Ministers of the reason for this decision.

Information about prospective adopters to be provided for inclusion in Register

5.—(1) This regulation applies where—

- (a) an adoption agency mentioned in paragraph (a) of the definition of “adoption agency” in section 119(1) of the Act decides under the 2009 Regulations that a person is suitable to be an adoptive parent; and
- (b) the agency has obtained the written consent of the person to information being provided to the Scottish Ministers under this regulation for inclusion in the Register.

(4) This is a register held at the office of St Andrew’s Children’s Society, 7 John’s Place, Edinburgh, EH6 7EL (Charity Number SC005754).

(2) Subject to paragraph (3), the agency must, no later than 3 months beginning with the date of the decision mentioned at paragraph (1)(a), provide to the Scottish Ministers for inclusion in the Register the information set out in Schedule 2 to these Regulations in respect of the person.

(3) The requirement at paragraph (2) does not apply where an adoption panel has, at the date of the adoption agency decision mentioned in paragraph (1)(a) or at any time during the period of 3 months mentioned in paragraph (2), recommended, under the 2009 Regulations, that the person would be a suitable adoptive parent for a particular child.

(4) Where, after information is provided under this regulation for inclusion in the Register, an adoption agency becomes aware of any change to the information, the agency must notify the Scottish Ministers of that change as soon as is reasonably practicable.

(5) Where a child is placed for adoption by an adoption agency with a person in respect of whom information has been provided under this regulation, the adoption agency must notify the Scottish Ministers as soon as is reasonably practicable.

(6) Where, after information is provided under this regulation, it is decided that the person in respect of whom the information was provided is no longer suitable to be an adoptive parent, an adoption agency must as soon as is reasonably practicable—

- (a) notify the Scottish Ministers of that; and
- (b) inform the Scottish Ministers of the reason for this decision.

Retention of information

6.—(1) As soon as is reasonably practicable after being notified under regulation 4(4) or 5(4) of any change to information provided for inclusion in the Register the Scottish Ministers must amend the Register accordingly.

(2) As soon as is reasonably practicable after being notified under regulation 4(5) that a child in respect of whom information has been provided for inclusion in the Register has been placed for adoption by an adoption agency with a prospective adopter, the Scottish Ministers must remove from the Register any information relating to that child.

(3) As soon as is reasonably practicable after being notified under regulation 5(5) that a child has been placed for adoption with a person in respect of whom information has been provided for inclusion in the Register, the Scottish Ministers must remove from the Register any information relating to that person.

- (4) Where information is removed from the Register under this regulation—
- (a) the Scottish Ministers may retain on the Register such of that information as they consider necessary for statistical or research purposes; and
 - (b) any information which is retained on the Register must be retained in a form in which any person in respect of whom that information was included in the Register cannot be identified.

Disclosure of information

7.—(1) Information contained in the Register may be disclosed by the Scottish Ministers to an adoption agency mentioned in paragraph (a) of the definition of “adoption agency” in section 119(1) of the Act for the purpose of helping that agency—

- (a) to find a person with whom it would be appropriate to place a child for whom the agency is acting; or
- (b) to find a child who is appropriate for adoption by a person for whom the agency is acting.

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

(2) Information provided to an adoption agency under paragraph (1) may be disclosed by the agency to such persons as the agency considers necessary for the purpose of assisting the agency to find a person with whom it would be appropriate to place a child for whom the agency is acting or to find a child who is appropriate for adoption by a person for whom the agency is acting.

(3) Information contained in the Register may be disclosed by the Scottish Ministers to a prospective adopter mentioned in paragraph (a) of the definition of “prospective adopter” in regulation 2 for the purpose of assisting an adoption agency to find a child who is appropriate for adoption by that person.

(4) Information contained in the Register may be disclosed by the Scottish Ministers to a person who maintains a register in respect of England, Wales or Northern Ireland which contains information about children who are suitable for adoption or prospective adopters, for the purpose of enabling the information to be entered on that register.

St Andrew’s House,
Edinburgh
15th March 2016

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers