



Adoption (Scotland) Act 1978

1978 CHAPTER 28

PART I

THE ADOPTION SERVICE

Supplemental

^{F1}8

Textual Amendments

^{F1} S. 8 repealed (1.4.1997) by 1995 c. 36, ss. 98(1), 105(5), Sch. 2 para. 4, Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7) (as amended by S.I. 1997/744, arts. 2, 3)

9 Regulation of adoption agencies.

- (1) The Secretary of State may by regulations prohibit unincorporated bodies from applying for approval under section 3; and he shall not approve any unincorporated body whose application is contrary to regulations made under this subsection.
- (2) The Secretary of State may make regulations for any purpose relating to the exercise of its functions by an approved adoption society [^{F2}including, without prejudice to the generality of this subsection, regulations as to procedures for dealing with complaints arising in relation to such exercise.]
- (3) The Secretary of State may make regulations with respect to the exercise by local authorities of their functions of making or participating in arrangements for the adoption of children.

[^{F3}(3A) Regulations under this section may make provision—

- (a) as to the determination by an adoption agency of whether, as regards a child for whose adoption it proposes to make arrangements, any such agreement as

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is mentioned in sections 16(1)(b)(i) and 18(1)(a) is likely to be forthcoming and as to a period by the end of which, if they have determined that the agreement is unlikely to be forthcoming and if no application has been made for an adoption order in relation to the child, application for an order under section 18(1) shall require to be made in relation to him; and

- (b) where the case of a child for whose adoption an adoption agency proposes to make arrangements is referred under section 73(4)(c)(ii) or (iii) of the Children (Scotland) Act 1995 to the Principal Reporter (within the meaning of Part II of that Act), as to circumstances in which and, on the occurrence of such circumstances, a period by the end of which, if no application has been made for an adoption order in relation to the child, application for an order under section 18(1) shall require to be made in relation to him.]

- (4) Any person who contravenes or fails to comply with regulations made under subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (5) Regulations under this section may make different provisions in relation to different cases or classes of cases and may exclude certain cases or classes of cases.

Textual Amendments

F2 Words in s. 9(2) added (12.12.1996 for specified purposes and 1.4.1997 for all other purposes) by 1995 c. 36, s. 98(1), **Sch. 2 para. 5(a)** (with s. 103(1)); S.I. 1996/3201, **art. 3(4)(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

F3 S. 9(3A) inserted (12.12.1996 for specified purposes and 1.4.1997 for all other purposes) by 1995 c. 36, s. 98(1), **Sch. 2 para. 5(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(4)(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

10 F4

Textual Amendments

F4 S. 10 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), ss. 9, 30, Sch. 2 para. 39, **Sch. 10 Pt. I**

11 Restriction on arranging adoptions and placing of children.

- (1) A person other than an adoption agency shall not make arrangements for the adoption of a child, or place a child for adoption, unless the proposed adopter is a relative of the child.

- [^{F5}(2) An adoption society which is—
 - (a) approved as respects England and Wales under section 3 of the Adoption Act ^{M1}1976; or
 - (b) registered as respects Northern Ireland under Article 4 of the Adoption (Northern Ireland) Order ^{M2}1987,

but which is not approved under section 3 of this Act, shall not act as an adoption society in Scotland except to the extent that the society considers it necessary to do

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so in the interests of a person mentioned in section 1 of that Act or, as the case may be, Article 3 of that Order.]

(3) A person who—

(a) takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of children and which is not an approved adoption society or a local authority; or

(b) contravenes subsection (1); or

[^{F6}(c) both receives a child placed with him in contravention of subsection (1) and knows that the placement is with a view to his adopting the child,]

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £400 or to both.

(4) In any proceedings for an offence under paragraph (a) of subsection (3), proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of children on behalf of the body, shall be sufficient evidence of the purpose for which that body exists.

(5) Section 26 shall apply where a person is convicted of a contravention of subsection (1) as it applies where an application for an adoption order is refused.

Textual Amendments

F5 S. 11(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 88, 108, **Sch. 10 para. 32** (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)** (as amended by S.I. 1997/744, **arts. 2, 3**)

F6 S. 11(3)(c) substituted (1.4.1997) by 1995 c. 36, s. 98(1), **Sch. 2 para. 6** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

Marginal Citations

M1 1976 c.36 (49:11).

M2 S.I. 1987/2203 (N.I. 22).

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