



# Adoption (Scotland) Act 1978

## 1978 CHAPTER 28

### PART I

#### THE ADOPTION SERVICE

##### *The Adoption Service*

#### **1 Establishment of Adoption Service.**

- (1) It is the duty of every local authority to establish and maintain within their area a service designed to meet the needs, in relation to adoption, of—
  - (a) children who have been or may be adopted;
  - (b) parents and guardians of such children; and
  - (c) persons who have adopted or may adopt a child;and for that purpose to provide the requisite facilities, or secure that they are provided by approved adoption societies.
- (2) The facilities to be provided as part of the service maintained under subsection (1) include—
  - <sup>F1</sup>(a) .....
  - (b) arrangements for assessing children and prospective adopters, and placing children for adoption;
  - <sup>F2</sup>(bb) counselling and assistance (but, without prejudice to sections 51 to 51B, not assistance in cash) to children who have been adopted and to persons who have adopted a child; and
  - (c) counselling for other persons if they have problems relating to adoption.]
- (3) The facilities of the service maintained under subsection (1) shall be provided in conjunction with the local authority's other social services and with approved adoption societies in their area, so that help may be given in a co-ordinated manner without duplication, omission or avoidable delay.

*Status: Point in time view as at 01/12/2003.*

*Changes to legislation: Adoption (Scotland) Act 1978, Cross Heading: The Adoption Service is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F3</sup>(3A) In this Part, references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the British Islands.]

(4) The services maintained by local authorities under subsection (1) may be collectively referred to as “the Scottish Adoption Service”; and a local authority or approved adoption society may be referred to as an adoption agency.

**Textual Amendments**

**F1** S. 1(2)(a) repealed (1.4.1997) by 1995 c. 36, ss. 98(1), 105(5), Sch. 2 para. 2(a), **Sch. 5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744,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

**F2** S. 1(2)(bb)(c) substituted for s. 1(2)(c) (1.4.1997) by 1995 c. 36, s. 98(1), **Sch. 2 para. 2(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

**F3** S. 1(3A) inserted (2.7.2001) by 1999 c. 18, s. 9; S.S.I. 2001/235, **art. 2**

**2 Local authorities’ social work.**

The social services referred to in section 1(3) are the functions of a local authority [<sup>F4</sup>under any of the enactments mentioned in subsection (1B) of section 5 of the <sup>M1</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments)], including, in particular but without prejudice to the generality of the foregoing, a local authority’s functions relating to—

- (a) the promotion of the welfare of children by diminishing the need to receive children into care or keep them in care, including (in exceptional circumstances) the giving of assistance in cash;
- (b) the welfare of children in the care of a local authority;
- (c) the welfare of children who are foster children within the meaning of [<sup>F5</sup>the Foster Children (Scotland) Act 1984];
- <sup>F6</sup>(d) .....
- (e) the provision of residential accommodation for expectant mothers and young children and of day-care facilities;
- (f) the regulation and inspection of nurseries and child minders;
- (g) care and other treatment of children through court proceedings and children’s hearings.

**Textual Amendments**

**F4** Words in s. 2 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 111(2)**; S.I. 1996/323, **art. 4(1)(c)**

**F5** Words substituted by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), ss. 22, 23, **Sch. 2 para. 6**

**F6** S. 2(d) repealed (1.4.1997) by 1995 c. 36, s. 105(5), **Sch. 5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

**Marginal Citations**

**M1** 1968 c. 49.

**Status:**

Point in time view as at 01/12/2003.

**Changes to legislation:**

Adoption (Scotland) Act 1978, Cross Heading: The Adoption Service is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.