



Adoption and Children Act 2002

2002 CHAPTER 38

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Other miscellaneous provisions

134 Amendment of Adoption (Scotland) Act 1978: overseas adoptions

In section 65 of the Adoption (Scotland) Act 1978 (c. 28) (interpretation), for subsection (2) there is substituted—

“(2) In this Act, “overseas adoption” —

- (a) means an adoption of a description specified in an order made by the Scottish Ministers, being a description of adoptions effected under the law of any country or territory outside the British Islands, but
- (b) does not include a Convention adoption.

(2A) The Scottish Ministers may by regulations prescribe the requirements that ought to be met by an adoption of any description effected after the commencement of the regulations for it to be an overseas adoption for the purposes of this Act.

(2B) At any time when such regulations have effect, the Scottish Ministers must exercise their power under subsection (2) so as to secure that subsequently effected adoptions of any description are not overseas adoptions for the purposes of this Act if they consider that such adoptions are not likely within a reasonable time to meet the prescribed requirements.

Status: This is the original version (as it was originally enacted).

- (2C) An order under subsection (2) may contain provision as to the manner in which evidence of any overseas adoption may be given.
- (2D) In subsections (2) to (2C), “adoption” means the adoption of a child or of a person who was a child at the time the adoption was applied for.”