SCOTTISH STATUTORY INSTRUMENTS

2013 No. 310

CHILDREN AND YOUNG PERSONS

The Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013

Made - - - -	*31st October 2013*
Laid before the Scottish Parliament	*4th November 2013*
Coming into force - -	*3rd January 2014*

The Scottish Ministers, make the following Regulations in exercise of the powers conferred by sections 67(1) and (4) and 117(2) and (3) of the Adoption and Children (Scotland) Act 2007(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013 and come into force on 3rd January 2014.

Interpretation

2. In these Regulations "law" does not include customary or common law.

Overseas adoptions

3. An adoption of a child is specified as an overseas adoption if—

(a) it is an adoption effected under the law of a country or territory listed in the Schedule to these Regulations; and

(b) it is not a Convention adoption.

Evidence of an overseas adoption

4.—(1) The following documents may be provided as evidence that an overseas adoption has been effected—

(a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or

(b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by the law of the country or territory concerned to sign such a certificate, or a certified copy of such a certificate.

(**a**) 2007 asp 4.

(2) Where a document produced by virtue of paragraph (1) is not in English, the Registrar General may require the production of an English translation of the document before being satisfied of the matters specified in paragraph 6 of schedule 1 to the Adoption and Children (Scotland) Act 2007.

(3) Nothing in this regulation may be construed as precluding proof, in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(**a**) or the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(**b**) or otherwise, that an overseas adoption has been effected.

Revocation and saving

5.—(1) Subject to paragraph (2), the following instruments are revoked—

(a) The Adoption (Designation of Overseas Adoptions) Order 1973(**c**); and

(b) The Adoption (Designation of Overseas Adoptions) (Variation) (Scotland) Order 1995(**d**).

(2) The revocation of the Adoption (Designation of Overseas Adoptions) Order 1973 does not affect any adoption designated as an overseas adoption by virtue of that Order prior to the coming into force of these Regulations.

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
31st October 2013

(**a**) 1933 c.4.
(**b**) 1963 c.27.
(**c**) S.I. 1973/19. This Order and S.I. 1995/1614 were saved by S.S.I. 2009/267 and deemed to have been made under section 67 of the Adoption and Children (Scotland) Act 2007 (asp 4).
(**d**) S.I. 1995/1614.

SCHEDULE

Regulation 3(a)

Albania

Andorra

Armenia

Australia

Austria

Azerbaijan

Belarus

Belgium

Belize

Bolivia

Brazil

Bulgaria

Burkina Faso

Burundi

Canada

Cape Verde

Chile

The People’s Republic of China

Colombia

Costa Rica

Cuba

The Republic of Cyprus

Czech Republic

Denmark (including the Faroe Islands and Greenland)

Dominican Republic

Ecuador

El Salvador

Estonia

Fiji

Finland

France

Georgia

Germany

Greece

Guinea

Hungary

Iceland

India

The Republic of Ireland

Israel

Italy

Kazakhstan

Kenya

Latvia

Lesotho

Liechtenstein

Lithuania

Luxembourg

The Former Yugoslav Republic of Macedonia

Madagascar

Mali

Malta

Mauritius

Mexico

The Republic of Moldova

Monaco

Mongolia

Montenegro

The Netherlands (including the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba))

New Zealand

Norway

Panama

Paraguay

Peru

Philippines

Poland

Portugal

Romania

Rwanda

San Marino

Senegal

Seychelles

Slovakia

Slovenia

South Africa

Spain

Sri Lanka

Swaziland

Sweden

Switzerland

Thailand

Togo

Turkey

The United States of America

Uruguay

Venezuela

Vietnam

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 3rd January 2014. They revoke and replace the Adoption (Designation of Overseas Adoptions) Order 1973 ("the 1973 Order"). The effect of these Regulations is to specify the countries and territories whose adoption orders are classed as 'overseas adoptions' in terms of section 67 of the Adoption and Children (Scotland) Act 2007 ("the 2007 Act").

Regulation 2 provides that for the purposes of these Regulations 'law' does not include customary or common law.

Regulation 3 provides that an adoption, other than a Convention adoption, effected under the law of a country or territory listed in the Schedule to these Regulations is specified as an 'overseas adoption' for the purposes of the 2007 Act.

Regulation 4 provides that the documents that may be produced as evidence that an overseas adoption has been effected are documents purporting to be a certified copy of an entry made, in accordance with the law of the country or territory concerned, in the public register of adoptions; or a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by that country or territory to sign such a certificate.

Regulation 5 revokes the 1973 Order and an amending instrument but makes savings provision in respect of any adoption that was recognised as an overseas adoption under the 1973 Order before it was revoked. Any adoption that was recognised as an overseas adoption prior to the coming into force of these Regulations continues to be recognised as such.

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