EXECUTIVE NOTE TO

THE PERIOD TO PREPARE AN ADOPTION ALLOWANCES SCHEME (SCOTLAND) ORDER 2009
SSI/2009/168

1. The above instrument ("the Order") was made in exercise of the powers conferred by section 71(1) of the Adoption and Children (Scotland) Act 2007 ("the 2007 Act"). The instrument is subject to negative resolution procedure.

2. This Order is one of a series of statutory instruments being enacted to implement the core provisions of the 2007 Act. The purpose of the Order is to require local authorities to prepare an adoption allowances scheme in line with the 2007 Act. Local authorities will have 3 months from the implementation of the 2007 Act to prepare the scheme.

Legislative Background

3. Section 71(1)(a) of the 2007 Act requires a local authority to prepare an adoption allowances scheme within such period as the Scottish Ministers may direct. The Order directs this time period as being 3 months from the coming into force of section 71. Section 71 will be brought fully into force by a subsequent Commencement Order and this is currently scheduled for 28th September 2009 which would mean that local authorities must prepare adoption allowances schemes by 28th December 2009.

Consultation

4. The Order was not subject to consultation as its only function is to direct a time period within which a scheme must be prepared. Local authorities are already aware that they will need to prepare adoption allowances schemes and were fully consulted upon the provisions of the Adoption Support Services and Allowances (Scotland) Regulations 2009.

Financial Effects

5. Local authorities will need to prepare adoption allowances schemes within the time period directed by the Order but it is envisaged that any financial effect of preparing these schemes will be marginal.

Children, Young People and Social Care Directorate
April 2009