

---

STATUTORY INSTRUMENTS

---

**2003 No. 3079 (C.117)**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES**

The Adoption and Children Act 2002  
(Commencement No. 4) Order 2003

Made - - - - 27th November 2003

The Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 140(7), 148(1) and (6) of the Adoption and Children Act 2002<sup>(1)</sup>, after consultation with the National Assembly for Wales<sup>(2)</sup>, other than as respects paragraph 5 of Schedule 4 to that Act, hereby makes the following Order—

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Adoption and Children Act 2002 (Commencement No. 4) Order 2003.

(2) In this Order “the Act” means the Adoption and Children Act 2002.

(3) Subject to sub-paragraphs (a) and (b), this Order applies to England and Wales—

- (a) article 2(1)(a) and (b) applies to Wales only; and
- (b) article 2(2)(c) and (4)(a) applies to England only.

**Appointed days**

2.—(1) 28th November 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 2(7) and (8) (basic definitions) for the purposes of paragraph 3 of Schedule 4;
- (b) paragraphs 105, 106 and 110 in so far as that paragraph relates to the Adoption Act 1976<sup>(3)</sup>, and paragraph 103 (amendments to the Care Standards Act 2000) of Schedule 3 and section 139(1) in so far as they relate to those paragraphs;

---

(1) 2002 c. 38. The power is exercisable, as respect section 148(1) by the Secretary of State. The power is exercisable as respect section 148(6), by the appropriate Minister who is defined in section 144(1) in relation to England, Scotland or Northern Ireland, as the Secretary of State.

(2) By virtue of section 148(2), the power under subsection (1) is only exercisable (other than an order bringing paragraph 53 of Schedule 3 into force) after the Secretary of State consults the National Assembly for Wales.

(3) 1976 c. 36.

- (c) paragraph 118 (meaning of family proceedings) of Schedule 3, and section 139(1) in so far as it relates to that paragraph;
  - (d) section 139(3) and Schedule 5 in so far as they relate to the repeal of section 12(5)(b) and the preceding “and” of the Criminal Justice and Court Services Act 2000(4).
- (2) 1st December 2003 is the appointed day for the coming into force of the following provisions of the Act—
- (a) section 111 (parental responsibility of unmarried father);
  - (b) paragraphs 6 and 7 of Schedule 3 and section 139(1) in so far as it relates to those paragraphs (amendments to the Births and Deaths Registration Act 1953);
  - (c) for the purposes of making regulations, paragraph 5 of Schedule 4 (independent review mechanism) and section 139(2) in so far as it relates to that paragraph.
- (3) 30th January 2004 is the appointed day for the coming into force of section 119 (advocacy services) of the Act, for the purposes of making regulations.
- (4) 1st April 2004 is the appointed day for the coming into force of the following provisions of the Act—
- (a) paragraph 5 of Schedule 4, and section 139(2) in so far as it relates to that paragraph, in so far as it is not already in force;
  - (b) section 119 in so far as it is not already in force.

27th November 2003

*Margaret Hodge*  
Minister of State,  
Department for Education and Skills

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the fourth Commencement Order made under the Adoption and Children Act 2002 (“the Act”).

Article 2(1) brings into force on 28th November 2003—

as respects Wales only, section 2(7) and (8) of the Act (basic definitions) and paragraphs 103, 105, 106 and 110 of Schedule 3 to the Act (amendments to the Care Standards Act 2000);

as respects England and Wales the repeal of section 12(5)(b) and consequential amendment to the Criminal Justice and Court Services Act 2000 (c. 43).

Article 2(2) brings into force on 1st December 2003—

as respects England and Wales, section 111 and consequential amendments to enable a father who is not married to the mother at the time of the child’s birth to have parental responsibility if registration or re-registration of birth takes place according to the provisions of the Births and Deaths Registration Act 1953 and equivalent provisions for Scotland and Northern Ireland;

as respects England, paragraph 5 of Schedule 4 to the Act for the purposes of making regulations for the establishment of a review procedure in respect of qualifying determinations made by adoption agencies. Article 2(4)(a) brings paragraph 5 of Schedule 4 fully into force as respects England from 1st April 2004.

Article 2(3) brings into force on 30th January 2004 as respects England and Wales, section 119 for the purposes of making regulations relating to advocacy services for looked after children and young people leaving care who make complaints under sections 24D and 26 of the Children Act 1989. Article 2(4) brings section 119 fully into force as respects England and Wales from 1st April 2004.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order—

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.I. No.</i>       |
|--|-----------------------------|-----------------------|
| Section 2(6), (7) and (8) (partially), as respects England | 6 October 2003              | 2003/366 (C.24)       |
| Section 4(6) and (7) (partially), as respects England      | 6 October 2003              | 2003/366 (C.24)       |
| Section 16 as respects Wales                               | 29 January 2003             | 2003/181 (W.31) (C.9) |
| Section 16 as respects England                             | 30 April 2003               | 2003/366 (C.24)       |
| Section 87(1)(b) and (4)                                   | 1 June 2003                 | 2003/366 (C.24)       |
| Section 135  | 1 June 2003                 | 2003/366 (C.24)       |
| Section 139(1) partially as respects Northern Ireland      | 3 February 2003             | 2003/288 (C.14)       |

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i>                             | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Partially, as respects England               | 25 February 2003            | 2003/366 (C.24) |
| Partially, as respects England               | 30 April 2003               | 2003/366 (C.24) |
| Section 139(2) partially                     | 3 February 2003             | 2003/288 (C.14) |
| Partially                                    | 25 February 2003            | 2003/366 (C.24) |
| Partially                                    | 1 April 2003                | 2003/366 (C.24) |
| Partially                                    | 1 June 2003                 | 2003/366 (C.24) |
| Partially, as respects England               | 6 October 2003              | 2003/366 (C.24) |
| Schedule 3                                   |                             |                 |
| Paragraph 53                                 | 3 February 2003             | 2003/288 (C.14) |
| Paragraph 103 partially, as respects England | 30 April 2003               | 2003/366 (C.24) |
| Paragraph 106 as respects England            | 30 April 2003               | 2003/366 (C.24) |
| Paragraph 110 partially, as respects England | 30 April 2003               | 2003/366 (C.24) |
| Schedule 4                                   |                             |                 |
| Paragraph 3 as respects England              | 6 October 2003              | 2003/366 (C.24) |
| Paragraph 4(1)                               | 3 February 2003             | 2003/288 (C.14) |
| Paragraph 4(2)                               | 25 February 2003            | 2003/366 (C.24) |
| Paragraph 10                                 | 1 June 2003                 | 2003/366 (C.24) |
| Paragraph 11                                 | 1 June 2003                 | 2003/366 (C.24) |
| Paragraph 12 (partially)                     | 1 June 2003                 | 2003/366 (C.24) |
| Paragraph 13                                 | 1 June 2003                 | 2003/366 (C.24) |
| Paragraph 14                                 | 1 June 2003                 | 2003/366 (C.24) |