ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 7 - Miscellaneous

Section 108: Channel Islands and the Isle of Man

- 262. Section 108 enables regulations made under subsection (1) to provide for:
 - orders that are made by a court in the Isle of Man or the Channel Islands, and appear to correspond to orders made under a provision of the Act, to be given effect in England and Wales (*subsection* (1)(a));
 - any reference in the Act to an adoption agency to include an adoption agency in the Isle of Man or the Channel Islands (*subsection* (1)(b));
 - a reference in the Act to other legislation, such as the Children Act 1989, to include reference to corresponding legislation of the Isle of Man or the Channel Islands (subsection (1)(c)). An example would be where there is a reference to a care or supervision order made under the Children Act 1989;
 - a reference in the Act to the United Kingdom to also include the Isle of Man or the Channel Islands (*subsection* (1)(d)).
- 263. Subsection (2) enables regulations to modify any provision of the Act as it applies to an order made by a court in the Isle of Man or the Channel Islands or to anything done under the law of the Isle of Man or the Channel Islands. Placement by consent and placement orders are not currently provided for in the legislation of the Isle of Man or the Channel Islands. If legislation were to be brought forward, for example, to provide for placement orders in the Isle of Man or the Channel Islands, subsection (2) when combined with the powers under subsection (1) would enable England and Wales to recognise such orders.