



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 7

#### MISCELLANEOUS

*Scotland, Northern Ireland and the Islands*

#### **105 Effect of certain Scottish orders and provisions**

- (1) A Scottish adoption order or an order under section 25 of the Adoption (Scotland) Act 1978 (c. 28) (interim adoption orders) has effect in England and Wales as it has in Scotland, but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
  - (2) [<sup>F1</sup>A Scottish permanence order which includes provision granting authority for the child to be adopted has the same effect in England and Wales as it has in Scotland], but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
  - [<sup>F2</sup>(3) Any person who contravenes any of the provisions of the Adoption and Children (Scotland) Act 2007 mentioned in subsection (3A) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale or both.
- (3A) The provisions are—
- (a) section 20 (restrictions on removal: child placed for adoption);
  - (b) section 21 (restrictions on removal: notice of intention to adopt given);
  - (c) section 22 (restrictions on removal: application for adoption order pending).]

*Changes to legislation: Adoption and Children Act 2002, Cross Heading: Scotland, Northern Ireland and the Islands is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Orders made under [<sup>F3</sup>section 24 of the Adoption and Children (Scotland) Act 2007 (return of child removed in breach of certain provisions)] are to have effect in England and Wales as if they were orders of the High Court under section 41 of this Act.

[<sup>F4</sup>(5) In this section, “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions Order 2009 (S.S.I. 2009/267)).]

#### Textual Amendments

- F1** Words in s. 105(2) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(a)**
- F2** S. 105(3)(3A) substituted for s. 105(3) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(b)**
- F3** Words in s. 105(4) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(c)**
- F4** S. 105(5) inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(5)(d)**

#### Modifications etc. (not altering text)

- C1** S. 105(2) modified (2.11.2010) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2469\)](#), arts. 1(1), 4
- C2** S. 105(3)(4) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

#### Commencement Information

- I1** S. 105 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(j)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

## 106 Effect of certain Northern Irish orders and provisions

- (1) A Northern Irish adoption order or an order under Article 26 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) (interim orders) has effect in England and Wales as it has in Northern Ireland.
- (2) An order made under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 (freeing orders), or the variation or revocation of such an order under Article 20 or 21 of that Order, have effect in England and Wales as they have in Northern Ireland.
- (3) Any person who—
- contravenes Article 28(1) or (2) of the Adoption (Northern Ireland) Order 1987 (removal where adoption agreed etc.), or
  - contravenes Article 29(1) or (2) of that Order (removal where applicant provided home),

is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

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- (4) Orders made under Article 30 of that Order (order to return or not to remove child) are to have effect in England and Wales as if they were orders of the High Court under section 41 of this Act.

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**Modifications etc. (not altering text)**

- C3** S. 106(3)(4) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

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**Commencement Information**

- I2** S. 106 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(j)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

## 107 Use of adoption records from other parts of the British Islands

Any document which is receivable as evidence of any matter—

- [<sup>F5</sup>(a) in Scotland under section 56(1) or (2) of the Adoption and Children (Scotland) Act 2007 (asp 4) (admissibility of extracts as evidence),]
- (b) in Northern Ireland under Article 63(1) of the Adoption (Northern Ireland) Order 1987, or
- (c) in the Isle of Man or any of the Channel Islands under an enactment corresponding to section 77(3) of this Act,

is also receivable as evidence of that matter in England and Wales.

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**Textual Amendments**

- F5** S. 107(a) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 6(6)**

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**Modifications etc. (not altering text)**

- C4** S. 107 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

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**Commencement Information**

- I3** S. 107 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(j)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

## 108 Channel Islands and the Isle of Man

(1) Regulations may provide—

- (a) for a reference in any provision of this Act to an order of a court to include an order of a court in the Isle of Man or any of the Channel Islands which appears to the Secretary of State to correspond in its effect to the order in question,
- (b) for a reference in any provision of this Act to an adoption agency to include a person who appears to the Secretary of State to exercise functions under the law of the Isle of Man or any of the Channel Islands which correspond to those of an adoption agency and for any reference in any provision of this Act to a child placed for adoption by an adoption agency to be read accordingly,

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- (c) for a reference in any provision of this Act to an enactment (including an enactment contained in this Act) to include a provision of the law of the Isle of Man or any of the Channel Islands which appears to the Secretary of State to correspond in its effect to the enactment,
  - (d) for any reference in any provision of this Act to the United Kingdom to include the Isle of Man or any of the Channel Islands.
- (2) Regulations may modify any provision of this Act, as it applies to any order made, or other thing done, under the law of the Isle of Man or any of the Channel Islands.
- (3) In this section, “regulations” means regulations made by the Secretary of State after consultation with the Assembly.

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**Commencement Information**

**I4** S. 108 in force at 7.12.2004 by [S.I. 2004/3203](#), [art. 2\(1\)\(k\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))