



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 3

#### MISCELLANEOUS AND FINAL PROVISIONS

#### CHAPTER 1

#### MISCELLANEOUS

#### *Adoption and Children Act Register*

#### 125 Adoption and Children Act Register

[<sup>F1</sup>(1) [<sup>F2</sup>The Secretary of State may] establish and maintain a register, to be called the Adoption and Children Act Register, containing—

- (a) prescribed information about children who are suitable for adoption [<sup>F3</sup>, children for whom a local authority in England are considering adoption] and prospective adopters who are suitable to adopt a child,
- (b) prescribed information about persons included in the register in pursuance of paragraph (a) in respect of things occurring after their inclusion.

[<sup>F4</sup>(1A) Regulations may provide that the register may contain—

- (a) prescribed information about children who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable for adoption,
- (b) prescribed information about prospective adopters who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable to adopt a child,
- (c) prescribed information about persons included in the register in pursuance of paragraph (a) or (b) in respect of things occurring after their inclusion.]

(2) For the purpose of giving assistance in finding persons with whom children may be placed for purposes other than adoption, [<sup>F5</sup>regulations] may—

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- (a) provide for the register to contain information about such persons and the children who may be placed with them, and
  - (b) apply any of the other provisions of this group of sections (that is, this section and sections 126 to 131), with or without modifications.
- (3) The register is not to be open to public inspection or search [<sup>F6</sup>(subject to regulations under section 128A)].
- (4) [<sup>F7</sup>Regulations] may make provision about the retention of information in the register.
- (5) Information is to be kept in the register in any form the Secretary of State considers appropriate.]

**Textual Amendments**

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F2** Words in s. 125(1) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 2\(2\)](#); S.I. 2014/889, art. 5(f)
- F3** Words in s. 125(1)(a) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 7\(2\)\(a\), 139\(6\)](#); S.I. 2014/889, art. 5(b)
- F4** S. 125(1A) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 2\(3\)](#); S.I. 2014/889, art. 5(f)
- F5** Word in s. 125(2) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 2\(4\)](#); S.I. 2014/889, art. 5(f)
- F6** Words in s. 125(3) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 7\(2\)\(b\), 139\(6\)](#); S.I. 2014/889, art. 5(b)
- F7** Word in s. 125(4) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 2\(5\)](#); S.I. 2014/889, art. 5(f)

**Commencement Information**

- I1** S. 125 in force at 25.7.2014 by [S.I. 2014/1961, art. 2](#)

**126 Use of an organisation to establish the register**

- [<sup>F1</sup>(1) The Secretary of State may make an arrangement with an organisation under which any function of his <sup>F8</sup>... of establishing and maintaining the register, and disclosing information entered in, or compiled from information entered in, the register to any person is performed wholly or partly by the organisation on his behalf.
- (2) The arrangement may include provision for payments to be made to the organisation by the Secretary of State.
- (3) If the Secretary of State makes an arrangement under this section with an organisation, the organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State and the directions may be of general application<sup>F9</sup>... or be special directions.
- <sup>F10</sup>(4) .....
- (5) References in this group of sections to the registration organisation are to any organisation for the time being performing functions in respect of the register by virtue of arrangements under this section.]

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#### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F8** Words in s. 126(1) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 3\(2\)](#); S.I. 2014/889, art. 5(f)
- F9** Words in s. 126(3) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 3\(3\)](#); S.I. 2014/889, art. 5(f)
- F10** S. 126(4) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 3\(4\)](#); S.I. 2014/889, art. 5(f)

#### Commencement Information

- I2** S. 126 in force at 25.7.2014 by S.I. 2014/1961, [art. 2](#)

### 127 Use of an organisation as agency for payments

[<sup>F1</sup>(1) [<sup>F11</sup>Regulations] may authorise an organisation with which an arrangement is made under section 126 to act as agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.

(2) The organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State; and the directions may be of general application<sup>F12</sup> ... or be special directions.

<sup>F13</sup>(3) . . . . .]

#### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F11** Word in s. 127(1) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 4\(2\)](#); S.I. 2014/889, art. 5(f)
- F12** Words in s. 127(2) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 4\(3\)](#); S.I. 2014/889, art. 5(f)
- F13** S. 127(3) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 4\(4\)](#); S.I. 2014/889, art. 5(f)

#### Commencement Information

- I3** S. 127 in force at 25.7.2014 by S.I. 2014/1961, [art. 2](#)

### 128 Supply of information for the register

[<sup>F1</sup>(1) [<sup>F14</sup>Regulations] may require adoption agencies to give prescribed information to the Secretary of State or the registration organisation for entry in the register.

(2) Information is to be given to the Secretary of State or the registration organisation when required by [<sup>F15</sup>regulations] and in the prescribed form and manner.

(3) [<sup>F16</sup>Regulations] may require an agency giving information which is entered on the register to pay a prescribed fee to the Secretary of State or the registration organisation.

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- (4) But an adoption agency is not to disclose any information to the Secretary of State or the registration organisation—
- (a) about prospective adopters who are suitable to adopt a child, or persons who were included in the register as such prospective adopters, without their consent,
  - (b) about children suitable for adoption [<sup>F17</sup>or for whom a local authority in England are considering adoption], or persons who were included in the register as such children, without the consent of the prescribed person.
- (5) Consent under subsection (4) is to be given in the prescribed form.]

#### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F14** Word in s. 128(1) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 5\(2\)](#); S.I. 2014/889, art. 5(f)
- F15** Word in s. 128(2) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 5\(3\)](#); S.I. 2014/889, art. 5(f)
- F16** Word in s. 128(3) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 5\(4\)](#); S.I. 2014/889, art. 5(f)
- F17** Words in s. 128(4)(b) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 7\(3\)](#), 139(6); S.I. 2014/889, art. 5(b)

#### Commencement Information

- I4** S. 128 in force at 25.7.2014 by [S.I. 2014/1961](#), [art. 2](#)

### <sup>F18</sup>128A Search and inspection of the register by prospective adopters

- <sup>F1</sup>(1) Regulations may make provision enabling prospective adopters who are suitable to adopt a child to search and inspect the register, for the purposes of assisting them to find a child for whom they would be appropriate adopters.
- (2) Regulations under subsection (1) may make provision enabling prospective adopters to search and inspect only prescribed parts of the register, or prescribed content on the register.
- (3) Access to the register for the purpose of searching and inspecting it may be granted on any prescribed terms and conditions.
- (4) Regulations may prescribe the steps to be taken by prospective adopters in respect of information received by them as a result of searching or inspecting the register.
- (5) Regulations may make provision requiring prospective adopters, in prescribed circumstances, to pay a prescribed fee to the Secretary of State or the registration organisation in respect of searching or inspecting the register.
- (6) On the occasion of the first exercise of the power to make regulations under this section—
- (a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and

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(b) accordingly section 140(2) does not apply to the instrument.]]

#### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F18** S. 128A inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 7\(4\), 139\(6\)](#); S.I. 2014/889, art. 5(b)

### 129 Disclosure of information

[<sup>F1</sup>(1) Information entered in the register, or compiled from information entered in the register, may only be disclosed under subsection (2)[<sup>F19</sup>, (2A) or (3) or section 128A].

(2) Prescribed information entered in the register may be disclosed by the Secretary of State or the registration organisation—

- (a) where an adoption agency is acting on behalf of a child who is suitable for adoption [<sup>F20</sup>or for whom a local authority in England is considering adoption], to the agency to assist in finding prospective adopters with whom it would be appropriate for the child to be placed,
- (b) where an adoption agency is acting on behalf of prospective adopters who are suitable to adopt a child, to the agency to assist in finding a child appropriate for adoption by them.

[<sup>F21</sup>(2A) Regulations may make provision permitting the disclosure of prescribed information entered in the register, or compiled from information entered in the register—

- (a) to an adoption agency or to a Welsh, Scottish or Northern Irish adoption agency for any prescribed purpose, or
- (b) for the purpose of enabling the information to be entered in a register which is maintained in respect of Wales, Scotland or Northern Ireland and which contains information about children who are suitable for adoption or prospective adopters who are suitable to adopt a child.]

(3) Prescribed information entered in the register, or compiled from information entered in the register, may be disclosed by the Secretary of State or the registration organisation to any prescribed person for use for statistical or research purposes, or for other prescribed purposes.

(4) [<sup>F22</sup>Regulations] may prescribe the steps to be taken by adoption agencies in respect of information received by them by virtue of subsection (2) [<sup>F23</sup>or (2A)].

(5) Subsection (1) does not apply —

- (a) to a disclosure of information with the authority of the Secretary of State,<sup>F24</sup> ...
- <sup>F24</sup>(b) .....

(6) Information disclosed to any person under subsection (2)[<sup>F25</sup>, (2A)] or (3) may be given on any prescribed terms or conditions.

(7) [<sup>F26</sup>Regulations] may, in prescribed circumstances, require a prescribed fee to be paid to the Secretary of State or the registration organisation—

- (a) by a prescribed adoption agency in respect of information disclosed under subsection (2) [<sup>F27</sup>or (2A)],

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- [<sup>F28</sup>(aa) by a prescribed Welsh, Scottish or Northern Irish adoption agency in respect of information disclosed under subsection (2A),] or
- (b) by a person [<sup>F29</sup>in respect of information disclosed under subsection (2A) or (3)].
- (8) If any information entered in the register is disclosed to a person in contravention of subsection (1), the person disclosing it is guilty of an offence.
- (9) A person guilty of an offence under subsection (8) is 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.]

#### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F19** Words in s. 129(1) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(2\)](#); S.I. 2014/889, art. 5(f)
- F20** Words in s. 129(2)(a) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 7\(5\)](#), 139(6); S.I. 2014/889, art. 5(b)
- F21** S. 129(2A) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(3\)](#); S.I. 2014/889, art. 5(f)
- F22** Word in s. 129(4) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(4\)\(a\)](#); S.I. 2014/889, art. 5(f)
- F23** Words in s. 129(4) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(4\)\(b\)](#); S.I. 2014/889, art. 5(f)
- F24** S. 129(5)(b) and preceding word omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(5\)](#); S.I. 2014/889, art. 5(f)
- F25** Word in s. 129(6) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(6\)](#); S.I. 2014/889, art. 5(f)
- F26** Word in s. 129(7) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(7\)\(a\)](#); S.I. 2014/889, art. 5(f)
- F27** Words in s. 129(7)(a) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(7\)\(b\)](#); S.I. 2014/889, art. 5(f)
- F28** S. 129(7)(aa) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(7\)\(c\)](#); S.I. 2014/889, art. 5(f)
- F29** Words in s. 129(7)(b) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 6\(7\)\(d\)](#); S.I. 2014/889, art. 5(f)

#### Commencement Information

- I5** S. 129 in force at 25.7.2014 by [S.I. 2014/1961](#), [art. 2](#)

PROSPECTIVE

### <sup>F30</sup>130 Territorial application

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### Textual Amendments

**F30** S. 130 repealed (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 1 para. 7; S.I. 2014/889, art. 5(f)

PROSPECTIVE

## 131 Supplementary

[<sup>F1</sup>(1) In this group of sections—

[<sup>F31</sup>(za) “adoption agency” means—

- (i) a local authority in England,
- (ii) a registered adoption society whose principal office is in England,]

(a) “organisation” includes a public body and a private or voluntary organisation,

(b) “prescribed” means prescribed by [<sup>F32</sup>regulations],

(c) “the register” means the Adoption and Children Act Register,

[<sup>F33</sup>(ca) “Welsh adoption agency” means—

- (i) a local authority in Wales,
- (ii) a registered adoption society whose principal office is in Wales.]

<sup>F34</sup>(d) .....

<sup>F35</sup>(e) .....

(2) For the purposes of this group of sections [<sup>F36</sup>(except sections 125(1A) and 129(2A))] —

(a) a child is suitable for adoption if an adoption agency is satisfied that the child ought to be placed for adoption,

(b) prospective adopters are suitable to adopt a child if an adoption agency is satisfied that they are suitable to have a child placed with them for adoption.

[<sup>F37</sup>(2A) For the purposes of sections 125(1A) and 129(2A)—

(a) a child is suitable for adoption if a Welsh, Scottish or Northern Irish adoption agency is satisfied that the child ought to be placed for adoption,

(b) prospective adopters are suitable to adopt a child if a Welsh, Scottish or Northern Irish adoption agency is satisfied that they are suitable to have a child placed with them for adoption.]

(3) Nothing authorised or required to be done by virtue of this group of sections constitutes an offence under section 93, 94 or 95.

<sup>F38</sup>(4) .....

<sup>F38</sup>(5) .....

<sup>F38</sup>(6) .....

<sup>F38</sup>(7) .....]



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### Textual Amendments

- F1** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F31** S. 131(1)(za) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(a\)](#); S.I. 2014/889, art. 5(f)
- F32** Word in s. 131(1)(b) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(b\)](#); S.I. 2014/889, art. 5(f)
- F33** S. 131(1)(ca) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(c\)](#); S.I. 2014/889, art. 5(f)
- F34** S. 131(1)(d) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(d\)](#); S.I. 2014/889, art. 5(f)
- F35** S. 131(1)(e) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(d\)](#); S.I. 2014/889, art. 5(f)
- F36** Words in s. 131(2) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(3\)](#); S.I. 2014/889, art. 5(f)
- F37** S. 131(2A) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(4\)](#); S.I. 2014/889, art. 5(f)
- F38** S. 131(4)-(7) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(5\)](#); S.I. 2014/889, art. 5(f)



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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))