

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

## SCHEDULES

### SCHEDULE 1

Section 77(6)

#### REGISTRATION OF ADOPTIONS

##### *Registration of adoption orders*

- 1 (1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Registrar General with the approval of [<sup>F1</sup>the Secretary of State].
- (2) Where, on an application to a court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the registers of live-births or other records relates is proved to the satisfaction of the court, any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register or, as the case may be, record in question is marked with the word “Adopted”.
- (3) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in England or Wales under Part 1 of this Act or any other enactment—
  - (a) sub-paragraph (2) does not apply, and
  - (b) the order must contain a direction to the Registrar General to mark the previous entry in the Adopted Children Register with the word “Re-adopted”.
- (4) Where an adoption order is made, the prescribed officer of the court which made the order must communicate the order to the Registrar General in the prescribed manner; and the Registrar General must then comply with the directions contained in the order.

“Prescribed” means prescribed by rules.

##### **Textual Amendments**

- F1** Words in [Sch. 1 para. 1\(1\)](#) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 2 para. 12\(f\)](#) (with art. 4)

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

- C1** [Sch. 1 para. 1](#) 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](#)
- C2** [Sch. 1 para. 1\(1\)](#): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 1 para. 12\(f\)](#) (with art. 4)

##### **Commencement Information**

- I1** [Sch. 1 para. 1](#) in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(vi\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- I2** Sch. 1 para. 1 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), **art. 2(e)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands*

- 2 (1) Sub-paragraphs (2) and (3) apply where the Registrar General is notified by the authority maintaining a register of adoptions in a part of the British Islands outside England and Wales that an order has been made in that part authorising the adoption of a child.
- (2) If an entry in the registers of live-births or other records (and no entry in the Adopted Children Register) relates to the child, the Registrar General must secure that the entry is marked with—
- the word “Adopted”, followed by
  - the name, in brackets, of the part in which the order was made.
- (3) If an entry in the Adopted Children Register relates to the child, the Registrar General must mark the entry with—
- the word “Re-adopted”, followed by
  - the name, in brackets, of the part in which the order was made.
- (4) Where, after an entry in either of the registers or other records mentioned in sub-paragraphs (2) and (3) has been so marked, the Registrar General is notified by the authority concerned that—
- the order has been quashed,
  - an appeal against the order has been allowed, or
  - the order has been revoked,
- the Registrar General must secure that the marking is cancelled.
- (5) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under sub-paragraph (4), is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

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

- C3** Sch. 1 para. 2 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**

- I3** Sch. 1 para. 2 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(e)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Registration of other adoptions*

- 3 (1) If the Registrar General is satisfied, on an application under this paragraph, that he has sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry to be made in the Adopted Children Register for the child he must make the entry accordingly.
- (2) If he is also satisfied that an entry in the registers of live-births or other records relates to the child, he must—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (a) secure that the entry is marked “Adopted”, followed by the name, in brackets, of the country in which the adoption was effected, or
  - (b) where appropriate, secure that the overseas registers of births are so marked.
- (3) An application under this paragraph must be made, in the prescribed manner, by a prescribed person and the applicant must provide the prescribed documents and other information.
- (4) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the prescribed form.
- (5) In this Schedule “registrable foreign adoption” means an adoption which satisfies prescribed requirements and is either—
- (a) adoption under a Convention adoption, or
  - (b) adoption under an overseas adoption.
- (6) In this paragraph—
- (a) “prescribed” means prescribed by regulations made by the Registrar General with the approval of [<sup>F2</sup>the Secretary of State],
  - (b) “overseas register of births” includes—
    - (i) a register made under regulations made by the Secretary of State under section 41(1)(g), (h) or (i) of the British Nationality Act 1981 (c. 61),
    - (ii) a record kept under an Order in Council made under section 1 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (c. 58) (other than a certified copy kept by the Registrar General).

#### Textual Amendments

**F2** Words in Sch. 1 para. 3(6)(a) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 2 para. 12\(f\)](#) (with art. 4)

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

**C4** Sch. 1 para. 3(6)(a): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 1 para. 12\(f\)](#) (with art. 4)

#### Commencement Information

**I4** Sch. 1 para. 3 in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(vi\)](#)

**I5** Sch. 1 para. 3 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), [art. 2\(e\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *Amendment of orders and rectification of Registers and other records*

- 4 (1) The court by which an adoption order has been made may, on the application of the adopter or the adopted person, amend the order by the correction of any error in the particulars contained in it.
- (2) The court by which an adoption order has been made may, if satisfied on the application of the adopter or the adopted person that within the period of one year beginning with the date of the order any new name—
- (a) has been given to the adopted person (whether in baptism or otherwise), or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (b) has been taken by the adopted person,  
either in place of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or, as the case may be, adding that name in those particulars.
- (3) The court by which an adoption order has been made may, if satisfied on the application of any person concerned that a direction for the marking of an entry in the registers of live-births, the Adopted Children Register or other records included in the order in pursuance of paragraph 1(2) or (3) was wrongly so included, revoke that direction.
- (4) Where an adoption order is amended or a direction revoked under sub-paragraphs (1) to (3), the prescribed officer of the court must communicate the amendment in the prescribed manner to the Registrar General.
- “Prescribed” means prescribed by rules.
- (5) The Registrar General must then—
- (a) amend the entry in the Adopted Children Register accordingly, or
  - (b) secure that the marking of the entry in the registers of live-births, the Adopted Children Register or other records is cancelled,
- as the case may be.
- (6) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court must give directions to the Registrar General to secure that—
- (a) any entry in the Adopted Children Register, and
  - (b) any marking of an entry in that Register, the registers of live-births or other records as the case may be, which was effected in pursuance of the order,
- is cancelled.
- (7) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to section 78(2)(b) must be a copy of the entry as amended, without the reproduction of—
- (a) any note or marking relating to the amendment, or
  - (b) any matter cancelled in pursuance of it.
- (8) A copy or extract of an entry in any register or other record, being an entry the marking of which has been cancelled, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.
- (9) If the Registrar General is satisfied—
- (a) that a registrable foreign adoption has ceased to have effect, whether on annulment or otherwise, or
  - (b) that any entry or mark was erroneously made in pursuance of paragraph 3 in the Adopted Children Register, the registers of live-births, the overseas registers of births or other records,
- he may secure that such alterations are made in those registers or other records as he considers are required in consequence of the adoption ceasing to have effect or to correct the error.

“Overseas register of births” has the same meaning as in paragraph 3.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (10) Where an entry in such a register is amended in pursuance of sub-paragraph (9), any copy or extract of the entry is not to be treated as accurate unless it shows the entry as amended but without indicating that it has been amended.

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

- C5** Sch. 1 para. 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**

- I6** Sch. 1 para. 4 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(e\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Marking of entries on re-registration of birth on legitimation*

- 5 (1) Without prejudice to paragraphs 2(4) and 4(5), where, after an entry in the registers of live-births or other records has been marked in accordance with paragraph 1 or 2, the birth is re-registered under section 14 of the Births and Deaths Registration Act 1953 (c. 20) (re-registration of births of legitimated persons), the entry made on the re-registration must be marked in the like manner.
- (2) Without prejudice to paragraph 4(9), where an entry in the registers of live-births or other records is marked in pursuance of paragraph 3 and the birth in question is subsequently re-registered under section 14 of that Act, the entry made on re-registration must be marked in the like manner.

**Commencement Information**

- I7** Sch. 1 para. 5 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(e\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Cancellations in registers on legitimation*

- 6 (1) This paragraph applies where an adoption order is revoked under section 55(1).
- (2) The prescribed officer of the court must communicate the revocation in the prescribed manner to the Registrar General who must then cancel or secure the cancellation of—
- (a) the entry in the Adopted Children Register relating to the adopted person, and
  - (b) the marking with the word “Adopted” of any entry relating to the adopted person in the registers of live-births or other records.
- “Prescribed” means prescribed by rules.
- (3) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under this paragraph, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Commencement Information

- I8** Sch. 1 para. 6 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

## SCHEDULE 2

Section 79(6)

### DISCLOSURE OF BIRTH RECORDS BY REGISTRAR GENERAL

- 1 On an application made in the prescribed manner by an adopted person—
- (a) a record of whose birth is kept by the Registrar General, and
  - (b) who has attained the age of 18 years,
- the Registrar General must give the applicant any information necessary to enable the applicant to obtain a certified copy of the record of his birth.
- “Prescribed” means prescribed by regulations made by the Registrar General with the approval of [<sup>F3</sup>the Secretary of State].

#### Textual Amendments

- F3** Words in Sch. 2 para. 1 substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), Sch. 2 para. 12(g) (with art. 4)

#### Commencement Information

- I9** Sch. 2 para. 1 in force at 7.12.2004 for specified purposes by S.I. 2004/3203, art. 2(1)(m)(vi)
- I10** Sch. 2 para. 1 in force at 30.12.2005 in so far as not already in force by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

- 2 (1) Before giving any information to an applicant under paragraph 1, the Registrar General must inform the applicant that counselling services are available to the applicant—
- (a) from a registered adoption society, an organisation within section 144(3)(b) or an adoption society which is registered under Article 4 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)),
  - (b) if the applicant is in England and Wales, at the General Register Office or from any local authority or registered adoption support agency,
  - (c) if the applicant is in Scotland, from any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
  - (d) if the applicant is in Northern Ireland, from any Board.
- (2) In sub-paragraph (1)(b), “registered adoption support agency” means an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14).
- (3) In sub-paragraph (1)(d), “Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)); but where the functions of a Board are exercisable by a Health and Social Services Trust, references in that sub-paragraph to a Board are to be read as references to the Health and Social Services Trust.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (4) If the applicant chooses to receive counselling from a person or body within sub-paragraph (1), the Registrar General must send to the person or body the information to which the applicant is entitled under paragraph 1.

#### Commencement Information

**I11** Sch. 2 para. 2 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

- 3 (1) Where an adopted person who is in England and Wales—
- (a) applies for information under paragraph 1 or Article 54 of the Adoption (Northern Ireland) Order 1987, or
  - (b) is supplied with information under [F4 section 55(4)(b) of the Adoption and Children (Scotland) Act 2007 (asp 4)],
- the persons and bodies mentioned in sub-paragraph (2) must, if asked by the applicant to do so, provide counselling for the applicant.
- (2) Those persons and bodies are—
- (a) the Registrar General,
  - (b) any local authority,
  - (c) a registered adoption society, an organisation within section 144(3)(b) or an adoption society which is registered under Article 4 of the Adoption (Northern Ireland) Order 1987.

#### Textual Amendments

**F4** Words in Sch. 2 para. 3(1)(b) 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(8)

#### Commencement Information

**I12** Sch. 2 para. 3 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

- 4 (1) Where a person—
- (a) was adopted before 12th November 1975, and
  - (b) applies for information under paragraph 1,
- the Registrar General must not give the information to the applicant unless the applicant has attended an interview with a counsellor arranged by a person or body from whom counselling services are available as mentioned in paragraph 2.
- (2) Where the Registrar General is prevented by sub-paragraph (1) from giving information to a person who is not living in the United Kingdom, the Registrar General may give the information to any body which—
- (a) the Registrar General is satisfied is suitable to provide counselling to that person, and
  - (b) has notified the Registrar General that it is prepared to provide such counselling.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Commencement Information**

**I13** Sch. 2 para. 4 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

SCHEDULE 3

Section 139

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Marriage Act 1949 (c. 76)*

1 Section 3 of the Marriage Act 1949 (marriage of person aged under eighteen) is amended as follows.

**Commencement Information**

**I14** Sch. 3 para. 1 in force at 30.12.2005 by S.I. 2005/2213, art. 2(o) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

2 In subsection (1), for “person or persons specified in subsection (1A) of this section” there is substituted “appropriate persons”.

**Commencement Information**

**I15** Sch. 3 para. 2 in force at 30.12.2005 by S.I. 2005/2213, art. 2(o) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

3 For subsection (1A) there is substituted—

“(1A) The appropriate persons are—

- (a) if none of paragraphs (b) to (h) apply, each of the following—
  - (i) any parent of the child who has parental responsibility for him; and
  - (ii) any guardian of the child;
- (b) where a special guardianship order is in force with respect to a child, each of the child’s special guardians, unless any of paragraphs (c) to (g) applies;
- (c) where a care order has effect with respect to the child, the local authority designated in the order, and each parent, guardian or special guardian (in so far as their parental responsibility has not been restricted under section 33(3) of the Children Act 1989), unless paragraph (e) applies;
- (d) where a residence order has effect with respect to the child, the persons with whom the child lives, or is to live, as a result of the order, unless paragraph (e) applies;
- (e) where an adoption agency is authorised to place the child for adoption under section 19 of the Adoption and Children Act 2002,



*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- that agency or, where a care order has effect with respect to the child, the local authority designated in the order;
- (f) where a placement order is in force with respect to the child, the appropriate local authority;
  - (g) where a child has been placed for adoption with prospective adopters, the prospective adopters (in so far as their parental responsibility has not been restricted under section 25(4) of the Adoption and Children Act 2002), in addition to those persons specified in paragraph (e) or (f);
  - (h) where none of paragraphs (b) to (g) apply but a residence order was in force with respect to the child immediately before he reached the age of sixteen, the persons with whom he lived, or was to live, as a result of the order.”

**Commencement Information**

**I16** Sch. 3 para. 3 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

4 For subsection (1B) there is substituted—

“(1B) In this section—

“guardian of a child”, “parental responsibility”, “residence order”, “special guardian”, “special guardianship order” and “care order” have the same meaning as in the Children Act 1989;

“adoption agency”, “placed for adoption”, “placement order” and “local authority” have the same meaning as in the Adoption and Children Act 2002;

“appropriate local authority” means the local authority authorised by the placement order to place the child for adoption.”

**Commencement Information**

**I17** Sch. 3 para. 4 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

5 In subsection (2), for “The last foregoing subsection” there is substituted “Subsection (1) ”.

**Commencement Information**

**I18** Sch. 3 para. 5 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Births and Deaths Registration Act 1953 (c. 20)*

6 In section 10 of the Births and Deaths Registration Act 1953 (registration of father where parents not married)—

- (a) in subsection (1)(d)(i), for “a parental responsibility agreement made between them in relation to the child” there is substituted “ any agreement

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

- made between them under section 4(1)(b) of the Children Act 1989 in relation to the child ”,
- (b) in subsection (1)(d)(ii), for “the Children Act 1989” there is substituted “that Act ”,
- (c) in subsection (3), the words following “the Family Law Reform Act 1987” are omitted.

**Commencement Information**

**I19** Sch. 3 para. 6 in force at 1.12.2003 by [S.I. 2003/3079](#), **art. 2(2)(b)**

- 7 In section 10A of the Births and Deaths Registration Act 1953 (re-registration of father where parents not married)—
- (a) in subsection (1)(d)(i), for “a parental responsibility agreement made between them in relation to the child” there is substituted “ any agreement made between them under section 4(1)(b) of the Children Act 1989 in relation to the child ”,
- (b) in subsection (1)(d)(ii), for “the Children Act 1989” there is substituted “that Act ”.

**Commencement Information**

**I20** Sch. 3 para. 7 in force at 1.12.2003 by [S.I. 2003/3079](#), **art. 2(2)(b)**

PROSPECTIVE

*The Sexual Offences Act 1956 (c. 69)*

- 8 In section 28 of the Sexual Offences Act 1956 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen), in subsection (4), the “or” at the end of paragraph (a) is omitted, and after that paragraph there is inserted—
- “(aa) a special guardianship order under that Act is in force with respect to her and he is not her special guardian; or”.

*The Health Services and Public Health Act 1968 (c. 46)*

- 9 The Health Services and Public Health Act 1968 is amended as follows.

**Commencement Information**

**I21** Sch. 3 para. 9 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 10 In section 64 (financial assistance by the Secretary of State to certain voluntary organisations), in subsection (3)(a)(xviii), for “the Adoption Act 1976” there is substituted “ the Adoption and Children Act 2002 ”.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Commencement Information**

**I22** Sch. 3 para. 10 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 11 In section 65 (financial and other assistance by local authorities to certain voluntary organisations), in subsection (3)(b), for “the Adoption Act 1976” there is substituted “the Adoption and Children Act 2002”.

**Commencement Information**

**I23** Sch. 3 para. 11 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Local Authority Social Services Act 1970 (c. 42)*

- 12 The Local Authority Social Services Act 1970 is amended as follows.

**Commencement Information**

**I24** Sch. 3 para. 12 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 13 In section 7D (default powers of Secretary of State as respects social services functions of local authorities), in subsection (1), after “the Children Act 1989” there is inserted “section 1 or 2(4) of the Adoption (Intercountry Aspects) Act 1999 or the Adoption and Children Act 2002”.

**Commencement Information**

**I25** Sch. 3 para. 13 in force at 30.12.2005 for E. by [S.I. 2005/2213](#), [art. 3\(l\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

**I26** Sch. 3 para. 13 in force at 30.12.2005 for W. by [S.I. 2005/3112](#), [art. 2\(g\)](#)

- 14 In Schedule 1 (enactments conferring functions assigned to social services committee)—
- (a) the entry relating to the Adoption Act 1976 is omitted,
  - (b) in the entry relating to the Children Act 1989, after “Consent to application for residence order in respect of child in care” there is inserted “Functions relating to special guardianship orders”,
  - (c) in the entry relating to the Adoption (Intercountry Aspects) Act 1999—
    - (i) in the first column, for “Section” there is substituted “Sections 1 and”,
    - (ii) in the second column, for “Article 9(a) to (c) of” there is substituted “regulations made under section 1 giving effect to” and at the end there is inserted “and functions under Article 9(a) to (c) of the Convention”,
- and at the end of the Schedule there is inserted—

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

“Adoption and Children Act 2002 Maintenance of Adoption Service; functions of local authority as adoption agency.”

#### Commencement Information

**I27** Sch. 3 para. 14 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Immigration Act 1971 (c. 77)*

- 15 In section 33(1) of the Immigration Act 1971 (interpretation)—
- (a) in the definition of “Convention adoption”, after “1978” there is inserted “ or in the Adoption and Children Act 2002 ”,
  - (b) in the definition of “legally adopted”, for “section 72(2) of the Adoption Act 1976” there is substituted “ section 87 of the Adoption and Children Act 2002 ”.

#### Commencement Information

**I28** Sch. 3 para. 15 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Legitimacy Act 1976 (c. 31)*

- 16 The Legitimacy Act 1976 is amended as follows.

#### Commencement Information

**I29** Sch. 3 para. 16 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 17 In section 4 (legitimation of adopted child)—
- (a) in subsection (1), after “1976” there is inserted “ or section 67 of the Adoption and Children Act 2002 ”,
  - (b) in subsection (2)—
    - (i) in paragraph (a), after “39” there is inserted “ or subsection (3)(b) of the said section 67 ”,
    - (ii) in paragraph (b), after “1976” there is inserted “ or section 67, 68 or 69 of the Adoption and Children Act 2002 ”.

#### Commencement Information

**I30** Sch. 3 para. 17 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 18 In section 6 (dispositions depending on date of birth), at the end of subsection (2) there is inserted “ or section 69(2) of the Adoption and Children Act 2002 ”.

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Commencement Information**

**I31** Sch. 3 para. 18 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Adoption Act 1976 (c. 36)*

19 In section 38 of the Adoption Act 1976 (meaning of “adoption” in Part 4), in subsection (2), after “1975” there is inserted “ but does not include an adoption of a kind mentioned in paragraphs (c) to (e) of subsection (1) effected on or after the day which is the appointed day for the purposes of Chapter 4 of Part 1 of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I32** Sch. 3 para. 19 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The National Health Service Act 1977 (c. 49)*

<sup>F5</sup>20 .....

**Textual Amendments**

**F5** Sch. 3 para. 20 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

*The Adoption (Scotland) Act 1978 (c. 28)*

<sup>F6</sup>21 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007](#) (asp 4), s. 121(2), **sch. 3**; [S.S.I. 2009/267](#), arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011](#) (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

<sup>F6</sup>22 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007](#) (asp 4), s. 121(2), **sch. 3**; [S.S.I. 2009/267](#), arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011](#) (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

<sup>F6</sup>23 .....

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

**F624** .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

**F625** .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

**F626** .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

**F627** .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

**F628** .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99,

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>29 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>30 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>31 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>32 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>33 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F<sup>6</sup>34 .....

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

<sup>F6</sup>35 .....

**Textual Amendments**

**F6** Sch. 3 paras. 21-35 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 Pt. 3**

*The Magistrates’ Courts Act 1980 (c. 43)*

36 The Magistrates’ Courts Act 1980 is amended as follows.

**Commencement Information**

**I33** Sch. 3 para. 36 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

<sup>F7</sup>37 .....

**Textual Amendments**

**F7** Sch. 3 para. 37 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99**; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

<sup>F8</sup>38 .....

**Textual Amendments**

**F8** Sch. 3 para. 38 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99**; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

39 In section 71 (newspaper reports of family proceedings)—

- (a) in subsection (1), “(other than proceedings under the Adoption Act 1976)” is omitted,
- (b) in subsection (2)—
  - <sup>F9</sup>(i) .....
  - (ii) the words following “(a) and (b)” are omitted.



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Textual Amendments

- F9** Sch. 3 para. 39(b)(i) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Commencement Information

- I34** Sch. 3 para. 39 in force at 30.12.2005 by [S.I. 2005/2213](#), art. 2(o) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 40 In Part 1 of Schedule 6 (fees to be taken by justices' chief executives), in the entry relating to family proceedings—
- (a) for “the Adoption Act 1976, except under section 21 of that Act”, there is substituted “the Adoption and Children Act 2002, except under section 23 of that Act ”,
  - (b) in paragraph (c), for “section 21 of the Adoption Act 1976” there is substituted “ section 23 of the Adoption and Children Act 2002 ”.

#### Commencement Information

- I35** Sch. 3 para. 40 in force at 30.12.2005 by [S.I. 2005/2213](#), art. 2(o) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Mental Health Act 1983 (c. 20)*

- 41 In section 28 of the Mental Health Act 1983 (nearest relative of minor under guardianship, etc.), in subsection (3), after “guardian” there is inserted “ includes a special guardian (within the meaning of the Children Act 1989), but ”.

#### Commencement Information

- I36** Sch. 3 para. 41 in force at 30.12.2005 by [S.I. 2005/2213](#), art. 2(o) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Child Abduction Act 1984 (c. 37)*

- 42 (1) Section 1 of the Child Abduction Act 1984 (offence of abduction of child by parent, etc.) is amended as follows.
- (2) In subsection (2), after paragraph (c) there is inserted—  
“(ca) he is a special guardian of the child; or”.
  - (3) In subsection (3)(a), after sub-paragraph (iii) there is inserted—  
“(iia) any special guardian of the child;”.
  - (4) In subsection (4), for paragraphs (a) and (b) there is substituted—  
“(a) he is a person in whose favour there is a residence order in force with respect to the child, and he takes or sends the child out of the United Kingdom for a period of less than one month; or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (b) he is a special guardian of the child and he takes or sends the child out of the United Kingdom for a period of less than three months.”
- (5) In subsection (5A), the “or” at the end of sub-paragraph (i) of paragraph (a) is omitted, and after that sub-paragraph there is inserted—
- “(ia) who is a special guardian of the child; or”.
- (6) In subsection (7)(a), after “ “guardian of a child,”” there is inserted “ “special guardian,””.

#### Commencement Information

**I37** Sch. 3 para. 42 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 43 (1) The Schedule to that Act (modifications of section 1 for children in certain cases) is amended as follows.
- (2) In paragraph 3 (adoption and custodianship), for sub-paragraphs (1) and (2) there is substituted—
- “(1) This paragraph applies where—
- (a) a child is placed for adoption by an adoption agency under section 19 of the Adoption and Children Act 2002, or an adoption agency is authorised to place the child for adoption under that section; or
  - (b) a placement order is in force in respect of the child; or
  - (c) an application for such an order has been made in respect of the child and has not been disposed of; or
  - (d) an application for an adoption order has been made in respect of the child and has not been disposed of; or
  - (e) an order under section 84 of the Adoption and Children Act 2002 (giving parental responsibility prior to adoption abroad) has been made in respect of the child, or an application for such an order in respect of him has been made and has not been disposed of.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were—
    - (i) in a case within sub-paragraph (1)(a) above, a reference to the consent of each person who has parental responsibility for the child or to the leave of the High Court;
    - (ii) in a case within sub-paragraph (1)(b) above, a reference to the leave of the court which made the placement order;
    - (iii) in a case within sub-paragraph (1)(c) or (d) above, a reference to the leave of the court to which the application was made;
    - (iv) in a case within sub-paragraph (1)(e) above, a reference to the leave of the court which made the order or, as the case may be, to which the application was made;
  - (b) subsection (3) were omitted;
  - (c) in subsection (4), in paragraph (a), for the words from “in whose favour” to the first mention of “child” there were substituted “who

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

provides the child’s home in a case falling within sub-paragraph (1) (a) or (b) of paragraph 3 of the Schedule to this Act”; and  
(d) subsections (4A), (5), (5A) and (6) were omitted.”

(3) In paragraph 5 (interpretation), in sub-paragraph (a), for the words from “and “adoption order”” to the end there is substituted “ , “adoption order”, “placed for adoption by an adoption agency” and “placement order” have the same meaning as in the Adoption and Children Act 2002; and ”.

**Commencement Information**

**I38** Sch. 3 para. 43 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

PROSPECTIVE

*The Matrimonial and Family Proceedings Act 1984 (c. 42)*

<sup>F10</sup>44 .....

**Textual Amendments**

**F10** Sch. 3 para. 44 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 10**; [S.I. 2005/910](#), **art. 3(aa)**

*The Child Abduction and Custody Act 1985 (c. 60)*

45 In Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders), in paragraph 1, the “and” at the end of paragraph (b) is omitted and after that paragraph there is inserted—  
“(bb) a special guardianship order (within the meaning of the Act of 1989);  
and”,  
and paragraph (c)(v) is omitted.

**Commencement Information**

**I39** Sch. 3 para. 45 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Family Law Act 1986 (c. 55)*

46 The Family Law Act 1986 is amended as follows.

**Commencement Information**

**I40** Sch. 3 para. 46 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

47 In section 1 (orders to which Part 1 applies), in subsection (1), after paragraph (a) there is inserted—

- “(aa) a special guardianship order made by a court in England and Wales under the Children Act 1989;
- (ab) an order made under section 26 of the Adoption and Children Act 2002 (contact), other than an order varying or revoking such an order”.

**Commencement Information**

**I41** Sch. 3 para. 47 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

48 In section 2 (jurisdiction: general), after subsection (2) there is inserted—

“(2A) A court in England and Wales shall not have jurisdiction to make a special guardianship order under the Children Act 1989 unless the condition in section 3 of this Act is satisfied.

(2B) A court in England and Wales shall not have jurisdiction to make an order under section 26 of the Adoption and Children Act 2002 unless the condition in section 3 of this Act is satisfied.”

**Commencement Information**

**I42** Sch. 3 para. 48 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

49 In section 57 (declarations as to adoptions effected overseas)—

- (a) for subsection (1)(a) there is substituted—
  - “(a) a Convention adoption, or an overseas adoption, within the meaning of the Adoption and Children Act 2002, or”,
- (b) in subsection (2)(a), after “1976” there is inserted “ or section 67 of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I43** Sch. 3 para. 49 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Family Law Reform Act 1987 (c. 42)*

50 The Family Law Reform Act 1987 is amended as follows.

**Commencement Information**

**I44** Sch. 3 para. 50 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

51 In section 1 (general principle), for paragraph (c) of subsection (3) there is substituted—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

“(c) is an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002”.

**Commencement Information**

**I45** Sch. 3 para. 51 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

52 In section 19 (dispositions of property), in subsection (5), after “1976” there is inserted “ or section 69 of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I46** Sch. 3 para. 52 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))*

53 In Article 2(2) (interpretation), in the definition of “prescribed”, for “Articles 54” there is substituted “ Articles 53(3B) and (3D), 54 ”.

**Commencement Information**

**I47** Sch. 3 para. 53 in force at 3.2.2003 by [S.I. 2003/288](#), **art. 2(a)**

*The Children Act 1989 (c. 41)*

54 The Children Act 1989 is amended as follows.

**Commencement Information**

**I48** Sch. 3 para. 54 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

55 In section 8 (residence, contact and other orders with respect to children), in subsection (4), for paragraph (d) there is substituted—  
“(d) the Adoption and Children Act 2002;”.

**Commencement Information**

**I49** Sch. 3 para. 55 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

56 In section 10 (power of court to make section 8 orders)—  
(a) in subsection (4)(a), for “or guardian” there is substituted “ , guardian or special guardian ”,  
(b) after subsection (4)(a) there is inserted—  
“(aa) any person who by virtue of section 4A has parental responsibility for the child;”.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

(c) after subsection (5) there is inserted—

“(5A) A local authority foster parent is entitled to apply for a residence order with respect to a child if the child has lived with him for a period of at least one year immediately preceding the application.”,

(d) after subsection (7) there is inserted—

“(7A) If a special guardianship order is in force with respect to a child, an application for a residence order may only be made with respect to him, if apart from this subsection the leave of the court is not required, with such leave.”

#### Commencement Information

**I50** Sch. 3 para. 56 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

57 In section 12 (residence orders and parental responsibility), in subsection (3)—

(a) paragraph (a) is omitted,

(b) in paragraph (b), for “section 55 of the Act of 1976” there is substituted “section 84 of the Adoption and Children Act 2002”.

#### Commencement Information

**I51** Sch. 3 para. 57 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

58 In section 16 (family assistance orders), in subsection (2)(a), for “or guardian” there is substituted “, guardian or special guardian”.

#### Commencement Information

**I52** Sch. 3 para. 58 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

59 In section 20 (provision of accommodation for children: general), in subsection (9), the “or” at the end of paragraph (a) is omitted and after that paragraph there is inserted—

“(aa) who is a special guardian of the child; or”.

#### Commencement Information

**I53** Sch. 3 para. 59 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

60 In section 24 (persons qualifying for advice and assistance)—

(a) for subsection (1) there is substituted—

“(1) In this Part “a person qualifying for advice and assistance” means a person to whom subsection (1A) or (1B) applies.

(1A) This subsection applies to a person—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (a) who has reached the age of sixteen but not the age of twenty-one;
- (b) with respect to whom a special guardianship order is in force (or, if he has reached the age of eighteen, was in force when he reached that age); and
- (c) who was, immediately before the making of that order, looked after by a local authority.

(1B) This subsection applies to a person to whom subsection (1A) does not apply, and who—

- (a) is under twenty-one; and
  - (b) at any time after reaching the age of sixteen but while still a child was, but is no longer, looked after, accommodated or fostered.”
- (b) in subsection (2), for “subsection (1)(b)” there is substituted “subsection (1B)(b)”,
- (c) in subsection (5), before paragraph (a) there is inserted—
- “(za) in the case of a person to whom subsection (1A) applies, a local authority determined in accordance with regulations made by the Secretary of State;”.

#### Commencement Information

- I54** Sch. 3 para. 60 in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(x\)](#)
- I55** Sch. 3 para. 60 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 61 In section 24A (advice and assistance for qualifying persons)—
- (a) in subsection (2)(b), after “a person” there is inserted “to whom section 24(1A) applies, or to whom section 24(1B) applies and”;
  - (b) in subsection (3)(a), after “if” there is inserted “he is a person to whom section 24(1A) applies, or he is a person to whom section 24(1B) applies and”.

#### Commencement Information

- I56** Sch. 3 para. 61 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 62 In section 24B (assistance with employment, education and training), in each of subsections (1) and (3)(b), after “of” there is inserted “section 24(1A) or”.

#### Commencement Information

- I57** Sch. 3 para. 62 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 63 In section 33 (effect of care order)—
- (a) in subsection (3)(b), for “a parent or guardian of the child” there is substituted “—

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

- (i) a parent, guardian or special guardian of the child;  
or
- (ii) a person who by virtue of section 4A has parental responsibility for the child,”
- (b) in subsection (5), for “a parent or guardian of the child who has care of him” there is substituted “ a person mentioned in that provision who has care of the child ”,
- (c) in subsection (6)(b)—
  - (i) sub-paragraph (i) is omitted,
  - (ii) in sub-paragraph (ii), for “section 55 of the Act of 1976” there is substituted “ section 84 of the Adoption and Children Act 2002 ”,
- (d) in subsection (9), for “a parent or guardian of the child” there is substituted “ a person mentioned in that provision ”.

#### Commencement Information

**I58** Sch. 3 para. 63 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 64 In section 34 (parental contact etc. with children in care)—
- (a) in subsection (1)(b), after “guardian” there is inserted “ or special guardian ”, and
  - (b) after subsection (1)(b) there is inserted—
    - “(ba) any person who by virtue of section 4A has parental responsibility for him;”.

#### Commencement Information

**I59** Sch. 3 para. 64 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 65 In section 80 (inspection of children’s homes by persons authorised by Secretary of State), in subsection (1), paragraphs (e) and (f) are omitted.

#### Commencement Information

**I60** Sch. 3 para. 65 in force at 30.12.2005 for W. by [S.I. 2005/3112](#), **art. 2(g)**

**I61** Sch. 3 para. 65 in force at 30.12.2005 for E. by [S.I. 2005/2213](#), **art. 3(l)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

PROSPECTIVE

- 66 In section 81 (inquiries), in subsection (1), paragraph (b) is omitted.

- 67 In section 88 (amendments of adoption legislation), subsection (1) is omitted.



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Commencement Information

**I62** Sch. 3 para. 67 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

68 In section 91 (effect and duration of orders, etc.)—

(a) after subsection (5) there is inserted—

“(5A) The making of a special guardianship order with respect to a child who is the subject of—

(a) a care order; or

(b) an order under section 34,

discharges that order.”,

(b) in subsection (7), after “4(1)” there is inserted “ 4A(1) ”,

(c) in subsection (8)(a), after “4” there is inserted “ or 4A ”.

#### Commencement Information

**I63** Sch. 3 para. 68 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

69 In section 102 (power of constable to assist in exercise of certain powers to search for children or inspect premises), in subsection (6), paragraph (c) is omitted.

#### Commencement Information

**I64** Sch. 3 para. 69 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

70 In section 105 (interpretation), in subsection (1)—

(a) in the definition of “adoption agency”, for “section 1 of the Adoption Act 1976” there is substituted “ section 2 of the Adoption and Children Act 2002 ”,

(b) at the appropriate place there is inserted—

““section 31A plan” has the meaning given by section 31A(6);”,

(c) in the definition of “parental responsibility agreement”, for “section 4(1)” there is substituted “ sections 4(1) and 4A(2) ”,

(d) the definition of “protected child” is omitted,

(e) after the definition of “special educational needs” there is inserted—

““special guardian” and “special guardianship order” have the meaning given by section 14A;”.

#### Commencement Information

**I65** Sch. 3 para. 70 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

71 In Schedule 1 (financial provision for children)—

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

- (a) in paragraph 1 (orders for financial relief against parents)—
  - (i) in sub-paragraph (1), for “or guardian” there is substituted “, guardian or special guardian”, and
  - (ii) in sub-paragraph (6), after “order” there is inserted “ or a special guardianship order”,
- (b) in paragraph 6 (variation etc of orders for periodical payments), in sub-paragraph (8), after “guardian” there is inserted “ or special guardian”,
- (c) in paragraph 8 (financial relief under other enactments), in sub-paragraph (1) and in sub-paragraph (2)(b), after “residence order” there is inserted “ or a special guardianship order”,
- (d) in paragraph 14 (financial provision for child resident in country outside England and Wales), in sub-paragraph (1)(b), after “guardian” there is inserted “ or special guardian”.

#### Commencement Information

**I66** Sch. 3 para. 71 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 72 In Schedule 2, in paragraph 19 (arrangements by local authorities to assist children to live abroad)—
- (a) in sub-paragraph (4) (arrangements to assist children to live abroad), after “guardian,” there is inserted “ special guardian, ”,
  - (b) in sub-paragraph (6), for the words from the beginning to “British subject)” there is substituted “ Section 85 of the Adoption and Children Act 2002 (which imposes restrictions on taking children out of the United Kingdom) ”,
  - (c) after sub-paragraph (8) there is inserted—
    - “(9) This paragraph does not apply to a local authority placing a child for adoption with prospective adopters.”

#### Commencement Information

**I67** Sch. 3 para. 72 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 73 In Schedule 8 (privately fostered children), in paragraph 5, for sub-paragraphs (a) and (b) there is substituted “he is placed in the care of a person who proposes to adopt him under arrangements made by an adoption agency within the meaning of—
- (a) section 2 of the Adoption and Children Act 2002;
  - (b) section 1 of the Adoption (Scotland) Act 1978; or
  - (c) Article 3 of the Adoption (Northern Ireland) Order 1987”.

#### Commencement Information

**I68** Sch. 3 para. 73 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

74 Part 1 of Schedule 10 is omitted.

**Commencement Information**

**I69** Sch. 3 para. 74 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

<sup>F11</sup>75 .....

**Textual Amendments**

**F11** Sch. 3 para. 75 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 210](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

*The Human Fertilisation and Embryology Act 1990 (c. 37)*

76 The Human Fertilisation and Embryology Act 1990 is amended as follows.

**Commencement Information**

**I70** Sch. 3 para. 76 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

77 In section 27 (meaning of mother), in subsection (2), for “child of any person other than the adopter or adopters” there is substituted “woman’s child”.

**Commencement Information**

**I71** Sch. 3 para. 77 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

78 In section 28 (meaning of father), in subsection (5)(c), for “child of any person other than the adopter or adopters” there is substituted “man’s child”.

**Commencement Information**

**I72** Sch. 3 para. 78 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

PROSPECTIVE

79 In section 30 (parental orders in favour of gamete donors), in subsection (10) for “Adoption Act 1976” there is substituted “Adoption and Children Act 2002”.

*The Courts and Legal Services Act 1990 (c. 41)*

80 In section 58A of the Courts and Legal Services Act 1990 (conditional fee agreements: supplementary), in subsection (2), for paragraph (b) there is substituted—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

“(b) the Adoption and Children Act 2002;”.

**Commencement Information**

**I73** Sch. 3 para. 80 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Child Support Act 1991 (c. 48)*

81 In section 26 of the Child Support Act 1991 (disputes about parentage), in subsection (3), after “1976” there is inserted “ or Chapter 4 of Part 1 of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I74** Sch. 3 para. 81 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (as amended (15.10.2005) by [S.I. 2005/2897](#), art. 14(3) and with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Children (Scotland) Act 1995 (c. 36)*

82 Section 86 of the Children (Scotland) Act 1995 (parental responsibilities order: general) is amended as follows.

**Commencement Information**

**I75** Sch. 3 para. 82 in force at 30.12.2005 by [S.S.I. 2005/643](#), [art. 2\(c\)](#)

83 In subsection (3), in paragraph (a), for “section 18 (freeing for adoption) or 55 (adoption abroad) of the Adoption Act 1976” there is substituted “ section 19 (placing children with parental consent) or 84 (giving parental responsibility prior to adoption abroad) of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I76** Sch. 3 para. 83 in force at 30.12.2005 by [S.S.I. 2005/643](#), [art. 2\(c\)](#)

<sup>F12</sup>84 . . . . .

**Textual Amendments**

**F12** Sch. 3 para. 84 repealed: (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), [sch. 3](#); [S.S.I. 2009/267](#), arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2); and (E.W.N.I.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), [Sch. 2 Pt. 3](#)

*The Family Law Act 1996 (c. 27)*

85 The Family Law Act 1996 is amended as follows.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Commencement Information

**177** Sch. 3 para. 85 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 86 In section 62 (meaning of “relevant child” etc.)—
- (a) in subsection (2), in paragraph (b), after “the Adoption Act 1976” there is inserted “, the Adoption and Children Act 2002 ”,
  - (b) in subsection (5), for the words from “has been freed” to “1976” there is substituted “ falls within subsection (7) ”.

#### Commencement Information

**178** Sch. 3 para. 86 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 87 At the end of that section there is inserted—
- “(7) A child falls within this subsection if—
- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, has power to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or
  - (b) he is freed for adoption by virtue of an order made—
    - (i) in England and Wales, under section 18 of the Adoption Act 1976,
    - (ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or
    - (iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.”

#### Commencement Information

**179** Sch. 3 para. 87 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 88 In section 63 (interpretation of Part 4)—
- (a) in subsection (1), for the definition of “adoption order”, there is substituted—

““adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;”
  - (b) in subsection (2), after paragraph (h) there is inserted—

“(i) the Adoption and Children Act 2002.”

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Commencement Information

**180** Sch. 3 para. 88 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Housing Act 1996 (c. 52)*

89 Section 178 of the Housing Act 1996 (meaning of associated person) is amended as follows.

#### Commencement Information

**181** Sch. 3 para. 89 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

90 In subsection (2), for the words from “has been freed” to “1976” there is substituted “ falls within subsection (2A) ”.

#### Commencement Information

**182** Sch. 3 para. 90 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

91 After that subsection there is inserted—

“(2A) A child falls within this subsection if—

- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or
- (b) he is freed for adoption by virtue of an order made—
  - (i) in England and Wales, under section 18 of the Adoption Act 1976,
  - (ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or
  - (iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.”

#### Commencement Information

**183** Sch. 3 para. 91 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

92 In subsection (3), for the definition of “adoption order”, there is substituted—

““adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;”.

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

#### Commencement Information

**I84** Sch. 3 para. 92 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

#### *The Police Act 1997 (c. 50)*

93 [<sup>F13</sup>In section 115 of the Police Act 1997 (enhanced criminal records), in subsection (5)(h), for “section 11 of the Adoption Act 1976” there is substituted “section 2 of the Adoption and Children Act 2002 ”.]

#### Textual Amendments

**F13** Sch. 3 para. 93 repealed (6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; [S.I. 2006/378](#), art. 7(f)

#### Commencement Information

**I85** Sch. 3 para. 93 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

PROSPECTIVE

#### *The Protection of Children Act 1999 (c. 14)*

94 In section 2B of the Protection of Children Act 1999 (individuals named in the findings of certain inquiries), in subsection (7), after paragraph (a) there is inserted—

“(vi) section 17 of the Adoption and Children Act 2002;”.

#### *The Adoption (Intercountry Aspects) Act 1999 (c. 18)*

95 The following provisions of the Adoption (Intercountry Aspects) Act 1999 cease to have effect in relation to England and Wales: sections 3, 6, 8, 9 and 11 to 13.

#### Commencement Information

**I86** Sch. 3 para. 95 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

96 Section 2 of that Act (accredited bodies) is amended as follows.

#### Commencement Information

**I87** Sch. 3 para. 96 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

97 In subsection (2A)—

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

- (a) for the words from the beginning to “2000” there is substituted “ A registered adoption society ”,
- (b) for “agency” there is substituted “ society ”.

**Commencement Information**

**I88** Sch. 3 para. 97 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

98 For subsection (5) there is substituted—

“(5) In this section, “registered adoption society” has the same meaning as in section 2 of the Adoption and Children Act 2002 (basic definitions); and expressions used in this section in its application to England and Wales which are also used in that Act have the same meanings as in that Act.”

**Commencement Information**

**I89** Sch. 3 para. 98 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

99 In subsection (6)—

- (a) the words “in its application to Scotland” are omitted,
- (b) after “expressions” there is inserted “ used in this section in its application to Scotland ”.

**Commencement Information**

**I90** Sch. 3 para. 99 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

PROSPECTIVE

100 Section 14 (restriction on bringing children into the United Kingdom for adoption) is omitted.

101 In section 16(1) (devolution: Wales), the words “, or section 17 or 56A of the 1976 Act,” are omitted.

**Commencement Information**

**I91** Sch. 3 para. 101 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(o)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Access to Justice Act 1999 (c. 22)*

F14 102 .....



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

#### Textual Amendments

- F14** Sch. 3 para. 102 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); [S.I. 2013/453](#), art. 3(h) (with savings and transitional provisions in [S.I. 2013/534](#), art. 6)

#### *The Care Standards Act 2000 (c. 14)*

- 103 The Care Standards Act 2000 is amended as follows.

#### Commencement Information

- I92** Sch. 3 para. 103 in force at 25.2.2003 for specified purposes for E. by [S.I. 2003/366](#), art. 2(1)(b)  
**I93** Sch. 3 para. 103 in force at 30.4.2003 for specified purposes for E. by [S.I. 2003/366](#), art. 2(4)(b)(c)  
**I94** Sch. 3 para. 103 in force at 28.11.2003 for specified purposes for W. by [S.I. 2003/3079](#), art. 2(1)(b)  
**I95** Sch. 3 para. 103 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), art. 2(o) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 104 In section 4 (basic definitions), in subsection (7), for “the Adoption Act 1976” there is substituted “ the Adoption and Children Act 2002 ”.

#### Commencement Information

- I96** Sch. 3 para. 104 in force at 30.12.2005 by [S.I. 2005/2213](#), art. 2(o) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 105 At the end of section 5 (registration authorities) there is inserted—  
“(2) This section is subject to section 36A.”

#### Commencement Information

- I97** Sch. 3 para. 105 in force at 25.2.2003 for specified purposes for E. by [S.I. 2003/366](#), art. 2(1)(b)  
**I98** Sch. 3 para. 105 in force at 30.4.2003 for E. in so far as not already in force by [S.I. 2003/366](#), art. 2(4)(b)  
**I99** Sch. 3 para. 105 in force at 28.11.2003 for W. by [S.I. 2003/3079](#), art. 2(1)(b)

- 106 In section 11 (requirement to register), in subsection (3), for “reference in subsection (1) to an agency does” there is substituted “ references in subsections (1) and (2) to an agency do ”.

#### Commencement Information

- I100** Sch. 3 para. 106 in force at 25.2.2003 for specified purposes for E. by [S.I. 2003/366](#), art. 2(1)(b)  
**I101** Sch. 3 para. 106 in force at 30.4.2003 for E. in so far as not already in force by [S.I. 2003/366](#), art. 2(4)(b)  
**I102** Sch. 3 para. 106 in force at 28.11.2003 for W. by [S.I. 2003/3079](#), art. 2(1)(b)

- 107 In section 14 (2) (offences conviction of which may result in cancellation of registration), for paragraph (d) there is substituted—  
“(d) an offence under regulations under section 1(3) of the Adoption (Intercountry Aspects) Act 1999,

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (e) an offence under the Adoption and Children Act 2002 or regulations made under it”.

**Commencement Information**

**I103** Sch. 3 para. 107 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 108 In section 16(2) (power to make regulations providing that no application for registration may be made in respect of certain agencies which are unincorporated bodies), “or a voluntary adoption agency” is omitted.

**Commencement Information**

**I104** Sch. 3 para. 108 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 109 In section 22(10) (disapplication of power to make regulations in the case of voluntary adoption agencies), at the end there is inserted. “ or adoption support agencies ”

**Commencement Information**

**I105** Sch. 3 para. 109 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 110 In section 23 (standards), at the end of subsection (4)(d) there is inserted “or proceedings against a voluntary adoption agency for an offence under section 9(4) of the Adoption Act 1976 or section 9 of the Adoption and Children Act 2002”.

**Commencement Information**

**I106** Sch. 3 para. 110 in force at 30.4.2003 for specified purposes for E. by [S.I. 2003/366](#), [art. 2\(4\)\(c\)](#)  
**I107** Sch. 3 para. 110 in force at 28.11.2003 for specified purposes for W. by [S.I. 2003/3079](#), [art. 2\(1\)\(b\)](#)  
**I108** Sch. 3 para. 110 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 111 In section 31 (inspections by authorised persons), in subsection (3)(b), for “section 9(2) of the Adoption Act 1976” there is substituted “ section 9 of the Adoption and Children Act 2002 ”.

**Commencement Information**

**I109** Sch. 3 para. 111 in force at 30.12.2005 for E. by [S.I. 2005/2213](#), [art. 3\(l\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)  
**I110** Sch. 3 para. 111 in force at 30.12.2005 for W. by [S.I. 2005/3112](#), [art. 2\(g\)](#)

- 112 In section 43 (introductory), in subsection (3)(a)—  
 (a) for “the Adoption Act 1976” there is substituted “ the Adoption and Children Act 2002 ”,

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (b) after “children” there is inserted “ or the provision of adoption support services (as defined in section 2(6) of the Adoption and Children Act 2002) ”.

**Commencement Information**

- I111** Sch. 3 para. 112 in force at 30.12.2005 for E. by [S.I. 2005/2213](#), [art. 3\(l\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)  
**I112** Sch. 3 para. 112 in force at 30.12.2005 for W. by [S.I. 2005/3112](#), [art. 2\(g\)](#)

- 113 In section 46 (inspections: supplementary), in subsection (7)(c), for “section 9(3) of the Adoption Act 1976” there is substituted “ section 9 of the Adoption and Children Act 2002 ”.

**Commencement Information**

- I113** Sch. 3 para. 113 in force at 30.12.2005 for E. by [S.I. 2005/2213](#), [art. 3\(l\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)  
**I114** Sch. 3 para. 113 in force at 30.12.2005 for W. by [S.I. 2005/3112](#), [art. 2\(g\)](#)

- 114 In section 48 (regulation of fostering functions), at the end of subsection (1) there is inserted—  
“(f) as to the fees or expenses which may be paid to persons assisting local authorities in making decisions in the exercise of such functions”.

**Commencement Information**

- I115** Sch. 3 para. 114 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 115 In section 55(2)(b) (definition of “social care worker”), for “or a voluntary adoption agency” there is substituted “ , a voluntary adoption agency or an adoption support agency ”.

**Commencement Information**

- I116** Sch. 3 para. 115 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

- 116 In section 121 (general interpretation)—  
(a) in subsection (1), in the definition of “voluntary organisation”, for “the Adoption Act 1976” there is substituted “ the Adoption and Children Act 2002 ”,  
(b) in subsection (13), in the appropriate place in the table there is inserted—  
“ Adoption support agency Section 4 ”.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

**Commencement Information**

**I117** Sch. 3 para. 116 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

117 In Schedule 4 (minor and consequential amendments), paragraph 27(b) is omitted.

**Commencement Information**

**I118** Sch. 3 para. 117 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(o\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

*The Criminal Justice and Court Services Act 2000 (c. 43)*

118 In section 12(5) of the Criminal Justice and Court Services Act 2000 (meaning of “family proceedings” in relation to CAF/CASS), paragraph (b) (supervision orders under the 1989 Act) and the preceding “and” are omitted.

**Commencement Information**

**I119** Sch. 3 para. 118 in force at 28.11.2003 by [S.I. 2003/3079](#), [art. 2\(1\)\(c\)](#)

SCHEDULE 4

Section 139

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

*General rules for continuity*

1 (1) Any reference (express or implied) in Part 1 or any other enactment, instrument or document to—

- (a) any provision of Part 1, or
- (b) things done or falling to be done under or for the purposes of any provision of Part 1,

must, so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to that corresponding provision or (as the case may be) to things done or falling to be done under or for the purposes of that corresponding provision.

(2) Any reference (express or implied) in any enactment, instrument or document to—

- (a) a provision repealed by this Act, or
- (b) things done or falling to be done under or for the purposes of such a provision,

must, so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision of Part 1 has effect, a reference to that corresponding provision or (as the case may be) to things done or falling to be done under or for the purposes of that corresponding provision.

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

**Commencement Information**

**I120** Sch. 4 para. 1 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*General rule for old savings*

- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Act but remains capable of having effect.

**Commencement Information**

**I121** Sch. 4 para. 2 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Adoption support services*

<sup>F153</sup> .....

**Textual Amendments**

**F15** Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Regulation of adoption agencies*

<sup>F154</sup> .....

**Textual Amendments**

**F15** Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Independent review mechanism*

<sup>F155</sup> .....

**Textual Amendments**

**F15** Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Pending applications for freeing orders*

- 6 Nothing in this Act affects any application for an order under section 18 of the Adoption Act 1976 (freeing for adoption) where—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

- (a) the application has been made and has not been disposed of immediately before the repeal of that section, and
- (b) the child in relation to whom the application is made has his home immediately before that repeal with a person with whom he has been placed for adoption by an adoption agency.

**Commencement Information**

**I122** Sch. 4 para. 6 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Freeing orders*

- 7 (1) Nothing in this Act affects any order made under section 18 of the Adoption Act 1976 (c. 36) and—
- (a) sections 19 to 21 of that Act are to continue to have effect in relation to such an order, and
  - (b) Part 1 of Schedule 6 to the Magistrates' Courts Act 1980 (c. 43) is to continue to have effect for the purposes of an application under section 21 of the Adoption Act 1976 in relation to such an order.
- (2) Section 20 of that Act, as it has effect by virtue of this paragraph, is to apply as if, in subsection (3)(c) after “1989” there were inserted—  
“*(ia)* any care order, within the meaning of that Act”.
- (3) Where a child is free for adoption by virtue of an order made under section 18 of that Act, the third condition in section 47(6) is to be treated as satisfied.

**Commencement Information**

**I123** Sch. 4 para. 7 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Pending applications for adoption orders*

- 8 Nothing in this Act affects any application for an adoption order under section 12 of the Adoption Act 1976 where—
- (a) the application has been made and has not been disposed of immediately before the repeal of that section, and
  - (b) the child in relation to whom the application is made has his home immediately before that repeal with a person with whom he has been placed for adoption by an adoption agency.

**Commencement Information**

**I124** Sch. 4 para. 8 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

PROSPECTIVE

*Notification of adoption applications*

- 9           Where a notice given in respect of a child by the prospective adopters under section 22(1) of the Adoption Act 1976 is treated by virtue of paragraph 1(1) as having been given for the purposes of section 44(2) in respect of an application to adopt the child, section 42(3) has effect in relation to their application for an adoption order as if for “six months” there were substituted “twelve months”.

*Adoptions with a foreign element*

- F16<sup>10</sup> .....

**Textual Amendments**

- F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

- F16<sup>11</sup> .....

**Textual Amendments**

- F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

- F16<sup>12</sup> .....

**Textual Amendments**

- F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

- F16<sup>13</sup> .....

**Textual Amendments**

- F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Advertising*

- F16<sup>14</sup> .....

**Textual Amendments**

- F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

PROSPECTIVE

F16<sup>15</sup> .....

**Textual Amendments**

**F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

PROSPECTIVE

F16<sup>16</sup> .....

**Textual Amendments**

**F16** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Status*

- 17 (1) Section 67—
- (a) does not apply to a pre-1976 instrument or enactment in so far as it contains a disposition of property, and
  - (b) does not apply to any public general Act in its application to any disposition of property in a pre-1976 instrument or enactment.
- (2) Section 73 applies in relation to this paragraph as if this paragraph were contained in Chapter 4 of Part 1; and an instrument or enactment is a pre-1976 instrument or enactment for the purposes of this Schedule if it was passed or made at any time before 1st January 1976.

**Commencement Information**

**I125** Sch. 4 para. 17 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

18 Section 69 does not apply to a pre-1976 instrument.

**Commencement Information**

**I126** Sch. 4 para. 18 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

19 In section 70(1), the reference to Part 3 of the Family Law Reform Act 1987 (c. 42) includes Part 2 of the Family Law Reform Act 1969 (c. 46).

**Commencement Information**

**I127** Sch. 4 para. 19 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)



*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)

### Registration of adoptions

- 20 (1) The power of the court under paragraph 4(1) of Schedule 1 to amend an order on the application of the adopter or adopted person includes, in relation to an order made before 1st April 1959, power to make any amendment of the particulars contained in the order which appears to be required to bring the order into the form in which it would have been made if paragraph 1 of that Schedule had applied to the order.
- (2) In relation to an adoption order made before the commencement of the Adoption Act 1976 (c. 36), the reference in paragraph 4(3) of that Schedule to paragraph 1(2) or (3) is to be read—
- (a) in the case of an order under the Adoption of Children Act 1926 (c. 29), as a reference to section 12(3) and (4) of the Adoption of Children Act 1949 (c. 98),
  - (b) in the case of an order under the Adoption Act 1950 (c. 26), as a reference to section 18(3) and (4) of that Act,
  - (c) in the case of an order under the Adoption Act 1958 (c. 5), as a reference to section 21(4) and (5) of that Act.

#### Commencement Information

**I128** Sch. 4 para. 20 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

### The Child Abduction Act 1984 (c. 37)

- 21 Paragraph 43 of Schedule 3 does not affect the Schedule to the Child Abduction Act 1984 in its application to a child who is the subject of—
- (a) an order under section 18 of the Adoption Act 1976 freeing the child for adoption,
  - (b) a pending application for such an order, or
  - (c) a pending application for an order under section 12 of that Act.

#### Commencement Information

**I129** Sch. 4 para. 21 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

### The Courts and Legal Services Act 1990 (c. 41)

- 22 Paragraph 80 of Schedule 3 does not affect section 58A(2)(b) of the Courts and Legal Services Act 1990 in its application to proceedings under the Adoption Act 1976 (c. 36).

#### Commencement Information

**I130** Sch. 4 para. 22 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

### The Children (Scotland) Act 1995 (c. 36)

- 23 Paragraph 84 of Schedule 3 does not affect section 86(6) of the Children (Scotland) Act 1995 in its application to a child who becomes the subject of an order under

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

section 18 or 55 of the Adoption Act 1976 by virtue of an application made before the repeal of that section.

#### Commencement Information

**I131** Sch. 4 para. 23 in force at 30.12.2005 by S.S.I. 2005/643, art. 2(d)

## SCHEDULE 5

Section 139

### REPEALS

#### Commencement Information

**I132** Sch. 5 in force at 28.11.2003 for specified purposes by S.I. 2003/3079, art. 2(1)(d)

**I133** Sch. 5 in force at 30.12.2005 for specified purposes by S.S.I. 2005/643, art. 2(e)

**I134** Sch. 5 in force at 30.12.2005 for specified purposes by S.I. 2005/2897, art. 2(b) (with arts. 3-16)

| <i>Short title and chapter</i>                                 | <i>Extent of repeal</i>  |
|--|--|
| Births and Deaths Registration Act 1953 (c. 20).               | In section 10(3), the words following “the Family Law Reform Act 1987”.  |
| Sexual Offences Act 1956 (c. 69).                              | In section 28(4), the “or” at the end of paragraph (a).  |
| Local Authority Social Services Act 1970 (c. 42).              | In Schedule 1, the entry relating to the Adoption Act 1976.  |
| Adoption Act 1976 (c. 36).                                     | The whole Act, except Part 4 and paragraph 6 of Schedule 2.  |
| Criminal Law Act 1977 (c. 45).                                 | In Schedule 12, the entries relating to the Adoption Act 1976.   |
| National Health Service Act 1977 (c. 49).                      | In section 124A(3), the “or” at the end of paragraph (a).  |
| Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22). | Sections 73(2), 74(2) and 74(4).   |
| Adoption (Scotland) Act 1978 (c. 28).                          | In section 50, the words “not being a parent or guardian or relative of the child”.<br>Section 52.<br>In section 53(2), the words “England and Wales or”.<br>In section 65(1), in the definition of “order freeing a child for adoption”, paragraph (a) and the word “and” immediately following that paragraph. |
| Magistrates’ Courts Act 1980 (c. 43).                          | In section 71(1) the words “(other than proceedings under the Adoption Act 1976)”.   |

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

|  |  |
|--|--|
|  | In section 71(2) the words following “(a) and (b)”.  |
|  | In Schedule 7, paragraphs 141 and 142.   |
| British Nationality Act 1981 (c. 61).  | In section 1(8), the words following “section 50”.   |
| Mental Health Act 1983 (c. 20).  | In Schedule 4, paragraph 45.   |
| Health and Social Services and Social Security Adjudications Act 1983 (c. 41). | In Schedule 2, paragraphs 29 to 33, 35 and 36.<br>In Schedule 9, paragraph 19.   |
| County Courts Act 1984 (c. 28).  | In Schedule 2, paragraph 58.   |
| Child Abduction Act 1984 (c. 37).  | In section 1(5A)(a), the “or” at the end of sub-paragraph (i).   |
| Matrimonial and Family Proceedings Act 1984 (c. 42).                           | In section 40(2)(a), after “the Adoption Act 1968”, the word “or”.<br>In Schedule 1, paragraph 20.   |
| Child Abduction and Custody Act 1985 (c. 60).                                  | In Schedule 3, in paragraph 1, the “and” at the end of paragraph (b).<br>In Schedule 3, in paragraph 1(c), paragraph (v).  |
| Family Law Reform Act 1987 (c. 42).  | In Schedule 3, paragraphs 2 to 5.  |
| Children Act 1989 (c. 41).   | Section 9(4).<br>Section 12(3)(a).<br>In section 20(9), the “or” at the end of paragraph (a).<br>In section 26(2)(e) and (f), the words “to consider”.<br>Section 33(6)(b)(i).<br>Section 80(1)(e) and (f).<br>Section 81(1)(b).<br>Section 88(1).<br>Section 102(6)(c).<br>In section 105(1), the definition of “protected child”.<br>In Schedule 10, Part 1. |
| National Health Service and Community Care Act 1990 (c. 19).                   | In Schedule 9, paragraph 17.   |
| Human Fertilisation and Embryology Act 1990 (c. 37).                           | In Schedule 4, paragraph 4.  |
| Courts and Legal Services Act 1990 (c. 41).                                    | In Schedule 16, paragraph 7.   |
| Local Government (Wales) Act 1994 (c. 19).                                     | In Schedule 10, paragraph 9.   |
| Health Authorities Act 1995 (c. 17).   | In Schedule 1, paragraph 101.  |
| Adoption (Intercountry Aspects) Act 1999 (c. 18).                              | In section 2(6), the words “in its application to Scotland”.<br>Section 7(3).<br>Section 14.   |

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

|   |  |
|---|--|
|   | In section 16(1), the words “, or section 17 or 56A of the 1976 Act.”. |
|   | In Schedule 2, paragraph 3.  |
| Access to Justice Act 1999 (c. 22).                   | In Schedule 13, paragraph 88.  |
| Care Standards Act 2000 (c. 14).                      | In section 16(2), the words “or a voluntary adoption agency”.          |
|   | In Schedule 4, paragraphs 5 and 27(b).                                 |
| Local Government Act 2000 (c. 22).                    | In Schedule 5, paragraph 16.   |
| Criminal Justice and Court Services Act 2000 (c. 43). | Section 12(5)(b) and the preceding “and”.                              |
|   | In Schedule 7, paragraphs 51 to 53.                                    |
| This Act.   | In Schedule 4, paragraphs 3 to 5 and 10 to 16.                         |

## SCHEDULE 6

Section 147

### GLOSSARY

In this Act, the expressions listed in the left-hand column below have the meaning given by, or are to be interpreted in accordance with, the provisions of this Act or (where stated) of the 1989 Act [<sup>F17</sup>or the 2014 Act] listed in the right-hand column.

#### Textual Amendments

**F17** Words in Sch. 6 inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **198(a)**

| <i>Expression</i>                             | <i>Provision</i> |
|---|------------------|
| the 1989 Act                                  | section 2(5)     |
| [ <sup>F18</sup> the 2014 Act                 | section 2(5)]    |
| Adopted Children Register                     | section 77       |
| Adoption and Children Act Register            | section 125      |
| adoption (in relation to Chapter 4 of Part 1) | section 66       |
| adoption agency                               | section 2(1)     |
| adoption agency placing a child for adoption  | section 18(5)    |
| Adoption Contact Register                     | section 80       |
| adoption order                                | section 46(1)    |
| Adoption Service                              | section 2(1)     |
| adoption society                              | section 2(5)     |
| adoption support agency                       | section 8        |
| adoption support services                     | section 2(6)     |

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

|  |                                 |
|--|---------------------------------|
| appointed day (in relation to Chapter 4 of Part 1)   | section 66(2)                   |
| appropriate Minister   | section 144                     |
| Assembly   | section 144                     |
| body   | section 144                     |
| by virtue of   | section 144                     |
| care order   | section 105(1) of the 1989 Act  |
| child  | sections 49(5) and 144          |
| [ <sup>F19</sup> child arrangements order  | section 8(1) of the 1989 Act]   |
| child assessment order   | section 43(2) of the 1989 Act   |
| child in the care of a local authority   | section 105(1) of the 1989 Act  |
| [ <sup>F20</sup> child looked after by a local authority (in relation to a local authority in England) | section 22 of the 1989 Act]     |
| [ <sup>F20</sup> child looked after by a local authority (in relation to a local authority in Wales)   | section 74 of the 2014 Act]     |
| child placed for adoption by an adoption agency  | section 18(5)                   |
| child to be adopted, adopted child   | section 49(5)                   |
| consent (in relation to making adoption orders or placing for adoption)                                | section 52                      |
| the Convention   | section 144                     |
| Convention adoption  | section 66(1)(c)                |
| Convention adoption order  | section 144                     |
| Convention country   | section 144                     |
| couple   | section 144(4)                  |
| court  | section 144                     |
| disposition (in relation to Chapter 4 of Part 1)   | section 73                      |
| enactment  | section 144                     |
| fee  | section 144                     |
| guardian   | section 144                     |
| information  | section 144                     |
| interim care order   | section 38 of the 1989 Act      |
| local authority  | section 144                     |
| [ <sup>F21</sup> local authority foster parent   | section 105(1) of the 1989 Act] |
| Northern Irish adoption agency   | section 144                     |
| Northern Irish adoption order  | section 144                     |

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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)*

|   |                                     |
|---|-------------------------------------|
| notice  | section 144                         |
| notice of intention to adopt                                  | section 44(2)                       |
| overseas adoption   | section 87                          |
| parental responsibility                                       | section 3 of the 1989 Act           |
| partner, in relation to a parent of a child                   | section 144(7)                      |
| placement order   | section 21                          |
| placing, or placed, for adoption                              | sections 18(5) and 19(4)            |
| prohibited steps order  | section 8(1) of the 1989 Act        |
| records (in relation to Chapter 5 of Part 1)                  | section 82                          |
| registered adoption society                                   | section 2(2)                        |
| registers of live-births (in relation to Chapter 5 of Part 1) | section 82                          |
| registration authority (in Part 1)                            | section 144                         |
| regulations   | section 144                         |
| relative  | section 144, read with section 1(8) |
| F22   | F22                                 |
| ...   | ...                                 |
| rules   | section 144                         |
| Scottish adoption agency                                      | section 144(3)                      |
| Scottish adoption order                                       | section 144                         |
| specific issue order  | section 8(1) of the 1989 Act        |
| subordinate legislation                                       | section 144                         |
| supervision order   | section 31(11) of the 1989 Act      |
| unitary authority   | section 144                         |
| voluntary organisation  | section 2(5)                        |

#### Textual Amendments

- F18** Words in Sch. 6 inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **198(b)**
- F19** Words in Sch. 6 inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 65(2)**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F20** Words in Sch. 6 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **198(c)**
- F21** Words in Sch. 6 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **198(d)**
- F22** Words in Sch. 6 omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 65(3)**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

Adoption and Children Act 2002 is up to date with all changes known to be in force on or before 11 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.