



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Placement of children by adoption agency for adoption

26 Contact

- (1) On an adoption agency being authorised to place a child for adoption, or placing a child for adoption who is less than six weeks old^[F1]—
 - (a) any contact provision in a child arrangements order under section 8 of the 1989 Act ceases to have effect,
 - (b) any order under section 34 of that Act (parental etc contact with children in care) ceases to have effect, and
 - (c) any activity direction made in proceedings for the making, variation or discharge of a child arrangements order with respect to the child, or made in other proceedings that relate to such an order, is discharged.]
- (2) While an adoption agency is so authorised or a child is placed for adoption—
 - (a) no application may be made for^[F2]—
 - (i) a child arrangements order under section 8 of the 1989 Act containing contact provision, or
 - (ii) an order under section 34 of that Act, but]
 - (b) the court may make an order under this section requiring the person with whom the child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for the person named in the order and the child otherwise to have contact with each other.

Changes to legislation: *Adoption and Children Act 2002, Section 26 is up to date with all changes known to be in force on or before 03 August 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) An application for an order under this section may be made by—
- (a) the child or the agency,
 - (b) any parent, guardian or relative,
 - (c) any person in whose favour there was provision ^{F3}... which ceased to have effect by virtue of subsection [^{F4}(1)(a) or an order which ceased to have effect by virtue of subsection (1)(b)],
 - (d) if a [^{F5}child arrangements] order was in force immediately before the adoption agency was authorised to place the child for adoption or (as the case may be) placed the child for adoption at a time when he was less than six weeks old, [^{F6}any person named in the order as a person with whom the child was to live],
 - (e) if a person had care of the child immediately before that time by virtue of an order made in the exercise of the High Court’s inherent jurisdiction with respect to children, that person,
 - (f) any person who has obtained the court’s leave to make the application.
- (4) When making a placement order, the court may on its own initiative make an order under this section.

^{F7}(5)

[^{F8}(5A) In this section “contact provision” means provision which regulates arrangements relating to—

- (a) with whom a child is to spend time or otherwise have contact, or
- (b) when a child is to spend time or otherwise have contact with any person;

but in paragraphs (a) and (b) a reference to spending time or otherwise having contact with a person is to doing that otherwise than as a result of living with the person.

(6) In this section “activity direction” has the meaning given by section 11A of the 1989 Act.]

Textual Amendments

- F1** S. 26(1)(a)-(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(2\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F2** Words in s. 26(2)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(3\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** Words in s. 26(3)(c) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(4\)\(a\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 26(3)(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(4\)\(b\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F5** Words in s. 26(3)(d) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(5\)\(a\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F6** Words in s. 26(3)(d) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 60\(5\)\(b\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F7** S. 26(5) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), ss. 9\(3\), 139\(6\)](#); S.I. 2014/889, art. 4(a) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

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F8 S. 26(5A)(6) substituted for s. 26(6) (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 60\(7\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

Modifications etc. (not altering text)

C1 S. 26 restricted by 1986 c. 55, s. 2(2B) (as inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 48](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o))

Commencement Information

I1 S. 26 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(c\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 26(5) words substituted by [2014 c. 6 Sch. 2 para. 60\(6\)](#)

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

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

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