



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

The making of adoption orders

51 Adoption by one person

- (1) An adoption order may be made on the application of one person who has attained the age of 21 years and is not married [^{F1}or a civil partner].
- (2) An adoption order may be made on the application of one person who has attained the age of 21 years if the court is satisfied that the person is the partner of a parent of the person to be adopted.
- (3) An adoption order may be made on the application of one person who has attained the age of 21 years and is married if the court is satisfied that—
 - (a) the person's spouse cannot be found,
 - (b) the spouses have separated and are living apart, and the separation is likely to be permanent, or
 - (c) the person's spouse is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.

- [^{F2}(3A) An adoption order may be made on the application of one person who has attained the age of 21 years and is a civil partner if the court is satisfied that—
- (a) the person's civil partner cannot be found,
 - (b) the civil partners have separated and are living apart, and the separation is likely to be permanent, or

Changes to legislation: *Adoption and Children Act 2002, Section 51 is up to date with all changes known to be in force on or before 29 July 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*

- (c) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.]
- (4) An adoption order may not be made on an application under this section by the mother or the father of the person to be adopted unless the court is satisfied that—
- (a) the other natural parent is dead or cannot be found,
 - [^{F3}(b) by virtue of the provisions specified in subsection (5), there is no other parent, or]
 - (c) there is some other reason justifying the child’s being adopted by the applicant alone,

and, where the court makes an adoption order on such an application, the court must record that it is satisfied as to the fact mentioned in paragraph (a) or (b) or, in the case of paragraph (c), record the reason.

[^{F4}(5) The provisions referred to in subsection (4)(b) are—

- (a) section 28 of the Human Fertilisation and Embryology Act 1990 (disregarding subsections (5A) to (5I) of that section), or
- (b) sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act).]

Textual Amendments

- F1** Words in s. 51(1) inserted (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 79(4)**, 263(2); S.I. 2005/3175, art. 2(9)
- F2** S. 51(3A) inserted (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 79(5)**, 263(2); S.I. 2005/3175, art. 2(9)
- F3** S. 51(4)(b) substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 39(2)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F4** S. 51(5) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 39(3)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

Modifications etc. (not altering text)

- C1** S. 51(1)-(4) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), **11(1)(o)**, 52, 55

Commencement Information

- I1** S. 51 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 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))