Changes to legislation: *Adoption and Children Act 2002, Section 63 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Disclosure of information in relation to a person's adoption

63 Counselling

(1) Regulations may require adoption agencies to give information about the availability of counselling to persons—

(a) seeking information from them in pursuance of this group of sections,

(b) considering objecting or consenting to the disclosure of information by the agency in pursuance of this group of sections, or

(c) considering entering with the agency into an agreement prescribed for the purposes of section 57(5).

(2) Regulations may require adoption agencies to make arrangements to secure the provision of counselling for persons seeking information from them in prescribed circumstances in pursuance of this group of sections.

(3) The regulations may authorise adoption agencies—

(a) to disclose information which is required for the purposes of such counselling to the persons providing the counselling,

(b) where the person providing the counselling is outside the United Kingdom, to require a prescribed fee to be paid.

(4) The regulations may require any of the following persons to provide counselling for the purposes of arrangements under subsection (2)—

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(a) a local authority, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) or a **[**[F1]Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I.)),**]**

(b) a registered adoption society, an organisation within section 144(3)(b) or an **[**[F2]appropriate voluntary organisation within the meaning of Article 2(2)**]** of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)),

(c) **[**[F3]in relation to England,**]** an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14).

[[F4](d) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).**]**

[F5](5) . . . . . .

Textual Amendments

F1 Words in s. 63(4)(a) substituted (1.4.2022 for N.I., 30.11.2022 for E.W.S.) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 193(2)(a)**; S.R. 2022/102, art. 2(b); The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **17(2)(a)**

F2 Words in s. 63(4)(b) substituted (N.I.) (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 193(2)(b)**; S.R. 2022/102, art. 2(b)

F3 Words in s. 63(4)(c) inserted (E.W.) (29.4.2019) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019 (S.I. 2019/772), regs. 1(2), **19(a)**

F4 S. 63(4)(d) inserted (E.W.) (29.4.2019) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019 (S.I. 2019/772), regs. 1(2), **19(b)**

F5 S. 63(5) omitted (1.4.2022 for N.I., 30.11.2022 for E.W.S.) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 193(2)(c)**; S.R. 2022/102, art. 2(b); The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **17(2)(b)**

Commencement Information

I1 S. 63 in force at 7.2.2004 for W. by S.I. 2004/252, **art. 2(b)**

I2 S. 63 in force at 7.12.2004 in so far as not already in force by S.I. 2004/3203, **art. 2(1)(j)**

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

– s. 63(4)(b) words substituted by 2022 c. 18 (N.I.) Sch. 3 para. 56

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))