



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 6

ADOPTIONS WITH A FOREIGN ELEMENT

Bringing children into and out of the United Kingdom

83 Restriction on bringing children in

- (1) This section applies where a person who is habitually resident in the British Islands (the “British resident”)—
- (a) brings, or causes another to bring, a child who is habitually resident outside the British Islands into the United Kingdom for the purpose of adoption by the British resident, or
 - (b) at any time brings, or causes another to bring, into the United Kingdom a child adopted by the British resident under an external adoption effected within the period of [^{F1}twelve] months ending with that time.

The references to adoption, or to a child adopted, by the British resident include a reference to adoption, or to a child adopted, by the British resident and another person.

- (2) But this section does not apply if the child is intended to be adopted under a Convention adoption order.
- (3) An external adoption means an adoption, other than a Convention adoption, of a child effected under the law of any country or territory outside the British Islands, whether or not the adoption is—
- (a) an adoption within the meaning of Chapter 4, or

Changes to legislation: *Adoption and Children Act 2002, Section 83 is up to date with all changes known to be in force on or before 29 May 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*

- (b) a full adoption (within the meaning of section 88(3)).
- (4) Regulations may require a person intending to bring, or to cause another to bring, a child into the United Kingdom in circumstances where this section applies—
 - (a) to apply to an adoption agency (including a Scottish or Northern Irish adoption agency) in the prescribed manner for an assessment of his suitability to adopt the child, and
 - (b) to give the agency any information it may require for the purpose of the assessment.
- (5) Regulations may require prescribed conditions to be met in respect of a child brought into the United Kingdom in circumstances where this section applies.
- (6) In relation to a child brought into the United Kingdom for adoption in circumstances where this section applies, regulations may—
 - (a) provide for any provision of Chapter 3 to apply with modifications or not to apply,
 - (b) if notice of intention to adopt has been given, impose functions in respect of the child on the local authority to which the notice was given.
- (7) If a person brings, or causes another to bring, a child into the United Kingdom at any time in circumstances where this section applies, he is guilty of an offence if—
 - (a) he has not complied with any requirement imposed by virtue of subsection (4), or
 - (b) any condition required to be met by virtue of subsection (5) is not met, before that time, or before any later time which may be prescribed.
- (8) A person guilty of an offence under this section is liable—
 - (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or a fine, or both.
- (9) In this section, “prescribed” means prescribed by regulations and “regulations” means regulations made by the Secretary of State, after consultation with the Assembly.

Textual Amendments

- F1** Word in s. 83(1)(b) substituted (1.10.2007) by [Children and Adoption Act 2006 \(c. 20\)](#), **ss. 14(1), 17(2)** (with [s. 14\(2\)](#)); [S.I. 2007/2287](#), **art. 1(2)(c)**

Modifications etc. (not altering text)

- C1** S. 83(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** S. 83(5) 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**
- C3** S. 83(7)-(9) 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

- I1** S. 83(1)-(7)(9) in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), **art. 2(1)(m)(vii)**
- I2** S. 83(1)-(7)(9) in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), **art. 2(f)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

Changes to legislation: *Adoption and Children Act 2002, Section 83 is up to date with all changes known to be in force on or before 29 May 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*

I3 S. 83(8) in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(f)** (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))