



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

86 Power to modify sections 83 and 85

- (1) Regulations may provide for section 83 not to apply if—
 - (a) the adopters or (as the case may be) prospective adopters are natural parents, natural relatives or guardians of the child in question (or one of them is), or
 - (b) the British resident in question is a partner of a parent of the child, and any prescribed conditions are met.
- (2) Regulations may provide for section 85(1) to apply with modifications, or not to apply, if—
 - (a) the prospective adopters are parents, relatives or guardians of the child in question (or one of them is), or
 - (b) the prospective adopter is a partner of a parent of the child, and any prescribed conditions are met.
- (3) On the occasion of the first exercise of the power to make regulations under this section—
 - (a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) accordingly section 140(2) does not apply to the instrument.

Changes to legislation: Adoption and Children Act 2002, Section 86 is up to date with all changes known to be in force on or before 06 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

- (4) In this section, “prescribed” means prescribed by regulations and “regulations” means regulations made by the Secretary of State after consultation with the Assembly.

Commencement Information

- I1** S. 86 in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(vii\)](#)
- I2** S. 86 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:

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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\(a\)](#))