



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 7

#### MISCELLANEOUS

##### *Restrictions*

#### **92 Restriction on arranging adoptions etc.**

- (1) A person who is neither an adoption agency nor acting in pursuance of an order of the High Court [<sup>F1</sup>or the family court] must not take any of the steps mentioned in subsection (2).
- (2) The steps are—
  - (a) asking a person other than an adoption agency to provide a child for adoption,
  - (b) asking a person other than an adoption agency to provide prospective adopters for a child,
  - (c) offering to find a child for adoption,
  - (d) offering a child for adoption to a person other than an adoption agency,
  - (e) handing over a child to any person other than an adoption agency with a view to the child's adoption by that or another person,
  - (f) receiving a child handed over to him in contravention of paragraph (e),
  - (g) entering into an agreement with any person for the adoption of a child, or for the purpose of facilitating the adoption of a child, where no adoption agency is acting on behalf of the child in the adoption,
  - (h) initiating or taking part in negotiations of which the purpose is the conclusion of an agreement within paragraph (g),

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**Changes to legislation:** Adoption and Children Act 2002, Section 92 is up to date with all changes known to be in force on or before 10 April 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

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- (i) causing another person to take any of the steps mentioned in paragraphs (a) to (h).
- (3) Subsection (1) does not apply to a person taking any of the steps mentioned in paragraphs (d), (e), (g), (h) and (i) of subsection (2) if the following condition is met.
- (4) The condition is that—
- (a) the prospective adopters are parents, relatives or guardians of the child (or one of them is), or
  - (b) the prospective adopter is the partner of a parent of the child.
- (5) References to an adoption agency in subsection (2) include a prescribed person outside the United Kingdom exercising functions corresponding to those of an adoption agency, if the functions are being exercised in prescribed circumstances in respect of the child in question.
- (6) The Secretary of State may, after consultation with the Assembly, by order make any amendments of subsections (1) to (4), and any consequential amendments of this Act, which he considers necessary or expedient.
- (7) In this section—
- (a) “agreement” includes an arrangement (whether or not enforceable),
  - (b) “prescribed” means prescribed by regulations made by the Secretary of State after consultation with the Assembly.

#### Textual Amendments

- F1** Words in s. 92(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 155**; [S.I. 2014/954](#), **art. 2(e)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Modifications etc. (not altering text)

- C1** S. 92 modified (30.12.2005) by [The Electronic Commerce Directive \(Adoption and Children Act 2002\) Regulations 2005 \(S.I. 2005/3222\)](#), regs. 1(1), **3-5**

#### Commencement Information

- I1** S. 92 in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), **art. 2(1)(m)(viii)**
- I2** S. 92 in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), **art. 2(g)** (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))