



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 7

#### MISCELLANEOUS

#### *Information*

#### **98 Pre-commencement adoptions: information**

- (1) Regulations under section 9 may make provision for the purpose of—
- assisting persons adopted before the appointed day who have attained the age of 18 to obtain information in relation to their adoption, and
  - facilitating contact between such persons and their relatives.

[<sup>F1</sup>(1A) Regulations under section 9 may make provision for the purpose of facilitating contact between persons with a prescribed relationship to a person adopted before the appointed day and that person's relatives.]

- (2) For [<sup>F2</sup>a purpose within subsection (1) or (1A)] the regulations may confer functions on—
- registered adoption support agencies,
  - the Registrar General,
  - adoption agencies.
- (3) For [<sup>F3</sup>a purpose within subsection (1) or (1A)] the regulations may—
- authorise or require any person mentioned in subsection (2) to disclose information,

**Changes to legislation:** Adoption and Children Act 2002, Section 98 is up to date with all changes known to be in force on or before 23 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

- (b) authorise or require the disclosure of information contained in records kept under section 8 of the Public Records Act 1958 (c. 51) (court records), and may impose conditions on the disclosure of information, including conditions restricting its further disclosure.
- (4) The regulations may authorise the charging of prescribed fees by any person mentioned in subsection (2) or in respect of the disclosure of information under subsection (3)(b).
- (5) An authorisation or requirement to disclose information by virtue of subsection (3)(a) has effect in spite of any restriction on the disclosure of information in Chapter 5.
- (6) The making of regulations by virtue of subsections (2) to (4) which relate to the Registrar General requires the approval of [<sup>F4</sup>the Secretary of State].
- (7) In this section—
- “appointed day” means the day appointed for the commencement of sections 56 to 65,
- [<sup>F5</sup>“prescribed” means prescribed by regulations under section 9;]
- [<sup>F6</sup>“registered adoption support agency” means—
- (a) 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), or
- (b) 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);]
- “relative”, in relation to an adopted person, means any person who (but for his adoption) would be related to him by blood (including half-blood) [<sup>F7</sup>, marriage or civil partnership].

#### Textual Amendments

- F1** S. 98(1A) inserted (25.7.2014 for E., 19.10.2015 for W.) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 1(1)**, 139(6); S.I. 2014/889, art. 6(a); S.I. 2015/1808, art. 2
- F2** Words in s. 98(2) substituted (25.7.2014 for E., 19.10.2015 for W.) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 1(2)**, 139(6); S.I. 2014/889, art. 6(a); S.I. 2015/1808, art. 2
- F3** Words in s. 98(3) substituted (25.7.2014 for E., 19.10.2015 for W.) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 1(2)**, 139(6); S.I. 2014/889, art. 6(a); S.I. 2015/1808, art. 2
- F4** Words in s. 98(6) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 12(d)** (with art. 4)
- F5** Words in s. 98(7) inserted (25.7.2014 for E., 19.10.2015 for W.) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 1(3)**, 139(6); S.I. 2014/889, art. 6(a); S.I. 2015/1808, art. 2
- F6** Words in s. 98(7) substituted (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), **20**
- F7** Words in s. 98(7) substituted (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 79(10)**, 263(2); S.I. 2005/3175, art. 2(9)

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

- C1** S. 98(6): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 12(d)** (with art. 4)

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**Commencement Information**

- I1** S. 98 in force at 7.2.2004 for W. by [S.I. 2004/252](#), **art. 2(b)**
- I2** S. 98 in force at 7.12.2004 for E. by [S.I. 2004/3203](#), **art. 2(1)(j)**

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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))