



Civil Partnership Act 2004

2004 CHAPTER 33

PART 2

CIVIL PARTNERSHIP: ENGLAND AND WALES

CHAPTER 5

CHILDREN

79 Adoption

- (1) Amend the Adoption and Children Act 2002 (c. 38) as follows.
- (2) In section 21 (placement orders), in subsection (4)(c), after “child marries” insert “, forms a civil partnership”.
- (3) In section 47 (conditions for making adoption orders), after subsection (8) insert—

“(8A) An adoption order may not be made in relation to a person who is or has been a civil partner.”
- (4) In section 51 (adoption by one person), in subsection (1), after “is not married” insert “or a civil partner”.
- (5) After section 51(3) insert—

“(3A) An adoption order may be made on the application of one person who has attained the age of 21 years and is a civil partner if the court is satisfied that—

 - (a) the person’s civil partner cannot be found,
 - (b) the civil partners have separated and are living apart, and the separation is likely to be permanent, or
 - (c) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.”

Status: This is the original version (as it was originally enacted).

- (6) In section 64 (other provision to be made by regulations), in subsection (5) for “or marriage” substitute “, marriage or civil partnership”.
- (7) In section 74(1) (enactments for whose purposes section 67 does not apply), for paragraph (a) substitute—
 - “(a) section 1 of and Schedule 1 to the Marriage Act 1949 or Schedule 1 to the Civil Partnership Act 2004 (prohibited degrees of kindred and affinity),”.
- (8) In section 79 (connections between the register and birth records), in subsection (7)—
 - (a) in paragraph (b), after “intends to be married” insert “or form a civil partnership”, and
 - (b) for “the person whom the applicant intends to marry” substitute “the intended spouse or civil partner”.
- (9) In section 81 (Adoption Contact Register: supplementary), in subsection (2) for “or marriage” substitute “, marriage or civil partnership”.
- (10) In section 98 (pre-commencement adoptions: information), in subsection (7), in the definition of “relative” for “or marriage” substitute “, marriage or civil partnership”.
- (11) In section 144 (interpretation), in the definition of “relative” in subsection (1), after “by marriage” insert “or civil partnership”.
- (12) In section 144(4) (meaning of “couple”), after paragraph (a) insert—
 - “(aa) two people who are civil partners of each other, or”.