



Children and Adoption Act 2006

2006 CHAPTER 20

PART 2

ADOPTIONS WITH A FOREIGN ELEMENT

11 The special restrictions

- (1) The special restrictions mentioned in section 9(4) are that, except as mentioned in subsection (2) of this section, the appropriate authority is not to take any step which he or it might otherwise have taken in connection with furthering the bringing of a child into the United Kingdom in the cases mentioned in section 9(2) (whether or not that step is provided for by or by virtue of any enactment).
- (2) But nothing in subsection (1) prevents the appropriate authority from taking those steps if, in any particular case, the prospective adopters satisfy—
 - (a) the appropriate authority, or
 - (b) in relation to Northern Ireland, in a case which is not a Convention case, the Secretary of State,that the appropriate authority should take those steps despite the special restrictions.
- (3) The Secretary of State may make regulations providing for—
 - (a) the procedure to be followed by the appropriate authority (or, if subsection (2) (b) applies, the Secretary of State) in determining whether or not he or it is satisfied as mentioned in subsection (2),
 - (b) matters which the appropriate authority (or the Secretary of State) is to take into account when making such a determination (whether or not he or it also takes other matters into account).
- (4) In this section—

“the appropriate authority” means, in a Convention case, the Central Authority in relation to England, to Wales or to Northern Ireland (as the case may be), and in any other case—

 - (a) in relation to England and Wales, the Secretary of State,

Changes to legislation: Children and Adoption Act 2006, Section 11 is up to date with all changes known to be in force on or before 22 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) in relation to Northern Ireland, the Secretary of State (for the purposes of steps which he takes) or the Department of Health, Social Services and Public Safety in Northern Ireland (for the purposes of steps which it takes),

“Central Authority” is to be construed in accordance with section 2 of the Adoption (Intercountry Aspects) Act 1999 (c. 18) (“the 1999 Act”) or, in relation to Northern Ireland, section 2 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11 (N.I.)) (“the 2001 Act”),

“Convention case” means a case where—

- (a) the child is intended to be adopted under an adoption order which, by virtue of regulations under section 1 of the 1999 Act or section 1 of the 2001 Act (as appropriate), is made as a Convention adoption order, or
- (b) the child is intended to be adopted under an adoption effected under the law of a Convention country outside the British Islands and certified in pursuance of Article 23(1) of the Convention,

and “the Convention” and “Convention country” have the meanings given by section 9(10).

Commencement Information

- I1** S. 11 in force at 2.8.2007 for specified purposes by S.I. 2007/2287, art. 1(1)(a)
- I2** S. 11 in force at 1.8.2008 in so far as not already in force by S.I. 2008/1798, art. 2(2)(c)

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Changes and effects yet to be applied to :

- s. 9-12 repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 69Sch. 5](#)