



Children and Adoption Act 2006

2006 CHAPTER 20

PART 2

ADOPTIONS WITH A FOREIGN ELEMENT

12 Imposition of extra conditions in certain cases

- (1) The Secretary of State may make regulations providing—
 - (a) for him to specify in the restricted list, in relation to any restricted country, a step which is not otherwise provided for by or by virtue of any enactment but which, by virtue of the arrangements between the United Kingdom and that country, the appropriate authority normally takes in connection with the bringing in of a child where that country is concerned, and
 - (b) that, if such a step has been so specified in relation to a restricted country, one or more conditions specified in the regulations are to be met in respect of a child brought into the United Kingdom in either of the cases mentioned in section 9(2) (reading the reference there to the “other country” as being to the restricted country in question).
- (2) Those conditions are in addition to any provided for by virtue of—
 - (a) section 83 of the Adoption and Children Act 2002 (c. 38) (restriction on bringing children in), or
 - (b) Article 58ZA of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) (restriction on bringing children in),or under or by virtue of any other enactment.
- (3) A person who brings, or causes another to bring, a child into the United Kingdom is guilty of an offence if any condition required to be met by virtue of subsection (1) (b) is not met.
- (4) Subsection (3) does not apply if the step specified in the restricted list in relation to any country had already been taken before the publication of the restricted list.
- (5) A person guilty of an offence under subsection (3) is liable—

Changes to legislation: Children and Adoption Act 2006, Section 12 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

- (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court] (in England and Wales) or 6 months (in Northern Ireland), or a fine not exceeding the statutory maximum, or both,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or a fine, or both.
- (6) In relation to an offence committed before [^{F2}2 May 2022], the reference in subsection (5)(a) to [^{F3}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

This subsection does not extend to Northern Ireland.

- (7) In this section—
- (a) “the appropriate authority” has the meaning given by section 11(4),
 - (b) “restricted country” and “restricted list” have the same meanings as in section 9.

Textual Amendments

- F1** Words in s. 12(5)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 12(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022](#) (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 12(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I1** S. 12(1)(7) in force at 2.8.2007 for specified purposes by [S.I. 2007/2287](#), **art. 1(1)(b)**
- I2** S. 12(1)(7) in force at 1.8.2008 in so far as not already in force by [S.I. 2008/1798](#), **art. 2(2)(c)**
- I3** S. 12(2)-(5) in force at 1.8.2008 by [S.I. 2008/1798](#), **art. 2(2)(c)**
- I4** S. 12(6) in force at 1.8.2008 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](#)