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STATUTORY INSTRUMENTS

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**1987 No. 1242 (c. 36)**

**CHILDREN AND YOUNG PERSONS**

**The Children Act 1975 and the Adoption Act  
1976 (Commencement No. 2) Order 1987**

*Made* - - - -

*16th July 1987*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 108(2) of the Children Act 1975(1) and section 74(2) of the Adoption Act 1976(2) and of all other powers enabling him in that behalf hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Children Act 1975 and the Adoption Act 1976 (Commencement No. 2) Order 1987.

(2) In this Order—

“the 1975 Act” means the Children Act 1975;

“the 1976 Act” means the Adoption Act 1976.

**Day appointed for the coming into force of certain provisions of the 1975 Act and the 1976 Act**

2.—(1) The provisions of the 1975 Act specified in the first column of Schedule 1 to this Order (which relate to the matters specified in the second column thereof) shall come into force on 1st January 1988.

(2) The provisions of the 1976 Act specified in the first column of Schedule 2 to this Order and the appendix to that Schedule (which relate to the matters specified in the second column thereof) shall come into force immediately after the provisions specified in paragraph (1) of this article on 1st January 1988.

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(1) 1975 c. 72.

(2) 1976 c. 36; for relevant amendments to that Act see the note on amendments following this instrument.

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Signed by authority of the Secretary of State for Social Services.

16th July 1987

*Tony Newton*  
Minister of State,  
Department of Health and Social Security

## SCHEDULE 1

Article 2(1)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST JANUARY 1988

Provision of the 1975 Act	Subject matter
Section 1	Establishment of Adoption Services.
Section 2	Local authorities' social services.
Paragraph 74(b) of Schedule 3 so far as it provides for the insertion of the words "Maintenance of Adoption Service; function of local authority as adoption agency" in the entry relating to Part I of the 1975 Act in Schedule 1 to the Local Authority Social Services Act 1970 <sup>(3)</sup>	Consequential amendment.

## SCHEDULE 2

Article 2(2)

## PROVISIONS OF THE 1976 ACT WHICH COME INTO FORCE ON 1ST JANUARY 1988

Provision of the 1976 Act	Subject matter
Each of the sections of the 1976 Act except for sections 58A (information concerning adoption) <sup>(4)</sup> and 74 (short title, commencement and extent) and section 73(2) and (3) (amendments and repeals) other than the extent to which they give effect to the provisions of Schedules 3 and 4 referred to in the two following paragraphs in this column.	Provisions relating to Adoption Service, adoption orders, care and protection of children awaiting adoption, status of adopted children, registration and revocation of adoption orders and convention adoptions, miscellaneous and supplemental provisions, registration of adoptions and transitional provisions and savings.
In Schedule 3, the provisions specified in the appendix to this Schedule.	Consequential amendments.
All the provisions in Schedule 4 except so far as they relate to the repeal of paragraphs 6, 26 and 63 of Schedule 3 to the Children Act 1975.	Repeals.

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<sup>(3)</sup> 1970 c. 42.

<sup>(4)</sup> Section 58A was inserted by paragraph 35 of Schedule 2 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

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## APPENDIX TO SCHEDULE 2

### AMENDMENTS COMING INTO FORCE ON 1ST JANUARY 1988

Provision in Schedule 3 to the 1976 Act	Enactment amended
Paragraph 8	Section 23(1)(c) of the Children and Young Persons Act 1963 (c. 37).
Paragraphs 9 and 10	Sections 64(3)(a) and 65(3)(b) of the Health Services and Public Health Act 1968 (c. 46).
Paragraph 11	Section 21A of the Children and Young Persons Act 1969 (c. 54).
Paragraph 15	Schedule 1 to the Local Authority Social Services Act 1970 (c. 42).
Paragraph 16	Section 9(6) of the Guardianship of Minors Act 1971 (c. 3).
Paragraph 17	Section 33(1) of the Immigration Act 1971 (c. 77).
Paragraph 18	Schedule 1 to the Legal Aid Act 1974 (c. 4).
Paragraphs 19 and 22	Sections 37(1) and 103(1)(a) of the Children Act 1975 (c. 72).
Paragraphs 23 and 24	Sections 4 and 6(2) of the Legitimacy Act 1976 (c. 31).

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st January 1988 the provisions of the Children Act 1975 and the Adoption Act 1976 which are not yet in force and are specified in Schedules 1 and 2 to this order respectively and the appendix to Schedule 2. The 1976 Act consolidates the law on adoption and repeals the adoption legislation which it consolidates including that contained in the Children Act 1975 brought into force by this Order. The Order does not bring into force consequential amendments or repeal provisions which have been superseded or repealed by subsequent legislation. The 1976 Act as amended does not extend to Scotland.

A note containing the provisions of the Adoption Act 1976 which have been amended may be obtained from the Department of Health and Social Security Store, Health Publications Unit, No. 2 Site, Manchester Road, Heywood, Lancashire, OL1 02PZ.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

Particulars of the provisions commenced by previous commencement Orders under the Children Act 1975 ([S.I.1976/1744](#), [1977/1036](#), [1978/1433](#), [1980/1475](#), [1981/1792](#), [1983/86](#), [1946](#) and [1985/779](#)) and a note as to those Orders listing the provisions brought into force by them can be obtained from the Department of Health and Social Security Store, Health Publications Unit, No. 2 Site, Manchester Road, Heywood, Lancashire, OL1 02PZ. Of the provisions of the Adoption Act 1976 only sections 58A and 74 have been brought into force by commencement Order ([S.I. 1983/1946](#)) made before the date of this Order on 27th May 1984.

### **NOTE ON AMENDMENTS TO THE ADOPTION ACT 1976**

*(This note is not part of the Order)*

Section 2(c) was amended by Schedule 2 to the Foster Children Act [1980 \(c. 6\)](#),  
section 3(1) was amended by paragraph 29 of Schedule 2 to the Health and Social Services and Social Security Adjudications Act [1983 \(c. 41\)](#) (“the 1983 Act”),  
section 9(4) was amended by sections 38 and 46 of the Criminal Justice Act [1982 \(c. 48\)](#) (“the 1982 Act”),  
section 10 was repealed by paragraph 30 of Schedule 2 to the 1983 Act,  
section 11(3) was amended by sections 38 and 46 of the 1982 Act,  
section 18(6) was amended by paragraph 31 of Schedule 2 to the 1983 Act,  
section 24(2) was amended by paragraph 32 of Schedule 2 to the 1983 Act,  
section 26(1) was repealed in part by Schedule 3 to the Domestic Proceedings and Magistrates' Courts Act [1978 \(c. 22\)](#) (“the 1978 Act”),  
section 27(1) and (2) were amended by paragraph 60(c) of Schedule 2 to the 1983 Act,  
section 27(3) was amended by sections 38 and 46 of the 1982 Act,  
section 27(4) and (5) were repealed by Schedule 10 to the 1983 Act,  
section 28(1) and (2) were amended by paragraph 60(c) of Schedule 2 to the 1983 Act,  
section 28(3) was amended by paragraph 50 of Schedule 2 to the 1978 Act,  
section 28(7) was amended by sections 38 and 46 of the 1982 Act,  
section 28(8) and (9) were repealed by Schedule 10 to the 1983 Act,  
section 29(1) and (2) were amended by paragraphs 34 and 60(c) of Schedule 2 to the 1983 Act,  
section 30(1) was amended by paragraph 60(c) of Schedule 2 to the 1983 Act,  
section 30(7) was amended by sections 38 and 46 of the 1982 Act,  
section 31(3) was amended by paragraph 38 of Schedule 5 to the Child Care Act [1980 \(c. 5\)](#),  
section 32(3) was amended by Schedule 2 to the Foster Children Act 1980, paragraph 54 of Schedule 3 to the Mental Health (Amendment) Act [1982 \(c. 51\)](#), paragraph 45 of Schedule 4 to the Mental Health Act [1983 \(c. 20\)](#), and paragraph 19 of Schedule 9 to the 1983 Act,  
section 34(3) was amended by paragraph 39 of Schedule 5 to the Child Care Act 1980,  
section 36(2) was amended by sections 38 and 46 of the 1982 Act,  
section 40 was repealed by Schedule 9 to the British Nationality Act [1981 \(c. 61\)](#),  
section 47(2) was amended by Schedule 7 and repealed in part by Schedule 9 to the British Nationality Act 1981,

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section 47(3) was repealed from 6th April 1987 by Schedule 11 to the Social Security Act 1986 (c. 50), (S.I.1986/1959),  
section 53(1) was amended by section 74(2) of the 1978 Act,  
sections 56(1) and 57(2) were amended by sections 38 and 46 of the 1982 Act,  
section 57(3A) was inserted by Schedule 12 to the Criminal Law Act 1977 (c. 45),  
section 58(2) was amended by sections 38 and 46 of the 1982 Act,  
section 58A was inserted by paragraph 35 of Schedule 2 to the 1983 Act,  
section 62(2) was amended by paragraph 58 of Schedule 2 to the County Courts Act 1984 (c. 28) and will be amended on a day to be appointed by paragraph 20(a) of Schedule 1 to the Matrimonial and Family Proceedings Act 1984 (c. 42),  
section 62(7) was inserted by paragraph 20(b) of Schedule 1 to the Matrimonial and Family Proceedings Act 1984,  
section 63(1) and (3) were repealed in part by Schedule 10 to the 1983 Act,  
section 63(4) was amended by paragraph 36 of Schedule 2 to the 1983 Act,  
section 64 was amended by section 73(2) of the 1978 Act and repealed in part by Schedule 3 to that Act,  
section 66(2) was amended by paragraph 141 of Schedule 7 to the Magistrates' Courts Act 1980 (c. 43),  
section 72 was amended by paragraph 142 of Schedule 7 to the Magistrates' Courts Act 1980, and paragraph 37 of Schedule 2 to the 1983 Act,  
section 74(3) was repealed in part by Schedule 4 to the Adoption (Scotland) Act 1978 (c. 28),  
section 74(4) was repealed in part by Schedule 9 to the British Nationality Act 1981,  
paragraph 6 of Schedule 1 was repealed in part by Schedule 3 to the 1978 Act,  
paragraphs 1 to 3 of Schedule 3 were repealed by Schedule 6 to the Child Care Act 1980,  
paragraph 4 of Schedule 3 was repealed by Schedule 3 to the 1978 Act,  
paragraphs 5 and 6 of Schedule 3 were repealed by Schedule 3 to the Foster Children Act 1980,  
paragraphs 12 and 13 of Schedule 3 were repealed by Schedule 6 to the Child Care Act 1980,  
paragraph 14 of Schedule 3 was repealed by Schedule 7 to the Supreme Court Act 1981 (c. 54),  
paragraph 18 of Schedule 3 was amended by paragraph 52 of Schedule 2 to the 1978 Act,  
paragraph 20 of Schedule 3 was repealed by Schedule 6 to the Child Care Act 1980, and  
paragraphs 25 to 44 of Schedule 3 were repealed by Schedule 4 to the Adoption (Scotland) Act 1978.