

SCHEDULES

SCHEDULE 2

Section 73.

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- 2 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- 3 Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.
- 4 Any reference in any document, whether express or implied, to any enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding enactment of this Act.

Existing adoption orders

- 5 (1) Without prejudice to paragraph 1, an adoption order made under an enactment at any time before this Act comes into force shall not cease to have effect by virtue only of a repeal effected by this Act.
- (2) Paragraph 4(1) and (2) of Schedule 1 shall apply in relation to an adoption order made before this Act came into force as if the order had been made under section 12, but as if, in sub-paragraph (1)(b) of the said paragraph 4, there were substituted for the reference to paragraph 1(3) and (4) a reference—
 - (a) in the case of an order under the Adoption of Children Act 1926, to section 12(3) and (4) of the Adoption of Children Act 1949,
 - (b) in the case of an order under the Adoption Act 1950, to section 18(3) and (4) of that Act,
 - (c) in the case of an order under the Adoption Act 1958, to section 21(4) and (5) of that Act.
- (3) The power of the court under the said paragraph 4(1) to amend an order includes power, in relation to an order made before 1st April 1959, to make on the application of the adoptor or adopted person any such amendment of the particulars contained in the order as appears to be required to bring the order into the form in which it would have been made if paragraph 1 of Schedule 1 had applied to the order.
- (4) Section 52(1) and paragraph 6 of Schedule 1 shall apply in relation to an adoption order made under an enactment at any time before this Act came into force as they apply in relation to an adoption order made under this Act.

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

Rights relating to property

- 6 (1) Section 39—
- (a) does not apply to an existing instrument or enactment in so far as it contains a disposition of property, and
 - (b) does not apply to any public general Act in its application to any disposition of property in an existing instrument or enactment.
- (2) Sections 16 and 17 of the Adoption Act 1958, and provisions containing references to those sections shall continue to apply in relation to dispositions of property effected by existing instruments notwithstanding the repeal of those sections, and such provisions, by the Children Act 1975.
- (3) Section 46 shall apply in relation to this paragraph as if it were contained in Part IV.

Payments relating to adoptions

- 7 Section 57(7), (8) and (9) shall not have effect if, immediately before section 57 comes into force, there is in force in England and Wales an order under section 50(8) of the Adoption Act 1958.

Registers of adoptions

- 8 Any register, or index to a register kept under the Adoption Act 1958, or any register or index deemed to be part of such a register, shall be deemed to be part of the register kept under section 50.