

## SCHEDULES

### SCHEDULE 3

Section 73.

#### CONSEQUENTIAL AMENDMENTS

#### PART I

##### AMENDMENTS EXTENDING ONLY TO ENGLAND AND WALES

##### *Children Act 1948 (c. 43)*

- 1 In section 2 of the Children Act 1948—
- (a) in subsection (8)(b), after the words " section 14 or 25 of the Children Act 1975" there are added the words " section 18 or 55 of the Adoption Act 1976 ";
  - (b) in subsection (11), for the words " section 14 of the Children Act 1975 " and " section 25 " there are substituted respectively the words " section 18 of the Adoption Act 1976 " and " section 55 ".
- 2 In section 43(1) of the said Act of 1948, for the words from " Adoption Act 1958 " to the end there are substituted the words " the Children Act 1975 and the Adoption Act 1976 ".
- 3 In section 51(1) of the said Act of 1948, for the words " Part IV of the Adoption Act 1958 " there are substituted the words " section 34 of the Adoption Act 1976 ".

##### *Magistrates' Courts Act 1952 (c. 55)*

- 4 In section 56(1) of the Magistrates' Courts Act 1952, for paragraph (f) there is substituted the following paragraph—
- “(f) under Part II of the Children Act 1975 or under the provisions (other than section 34) of the Adoption Act 1976.”

##### *Children Act 1958 (c. 65)*

- 5 In section 2(4A) of the Children Act 1958, for the words from " by such" to the end there are substituted the words " by an adoption agency within the meaning of section 1 of the Adoption Act 1976 or section 1 of the Children Act 1975 or while he is a protected child within the meaning of Part III of the said Act of 1976. ".
- 6 In section 6(1) of the said Act of 1958, in paragraph (f), after the words " section 43 of the Adoption Act 1958 " there are added the words " or section 34 of the Adoption Act 1976 ".

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*County Courts Act 1959 (c. 22)*

- 7 In section 109(2) of the County Courts Act 1959, after paragraph (h) there is added the following paragraph—  
 “(i) any proceedings under Part II or section 29 or 55 of the Adoption Act 1976.”.

*Children and Young Persons Act 1963 (c. 37)*

- 8 In section 23(1)(c) of the Children and Young Persons Act 1963 for the words " section 43 of the Adoption Act 1958 " there are substituted the words " section 34 of the Adoption Act 1976 ".

*Health Services and Public Health Act 1968 (c. 46)*

- 9 In section 64(3)(a) of the Health Services and Public Health Act 1968 there is added at the end the following paragraph—  
 “(xviii) the Adoption Act 1976.”
- 10 In section 65(3)(b) of the said Act of 1968 there is added at the end the following paragraph—  
 “(xix) the Adoption Act 1976”.

*Children and Young Persons Act 1969 (c. 54)*

- 11 In section 21A of the Children and Young Persons Act 1969 for the references to sections 14 and 25 of the Children Act 1975 there are substituted references to section 18 and 55 respectively of this Act.
- 12 In section 58(1) of the said Act 1969—  
 (a) in paragraph (bb) after the words " Children Act 1975 " there are inserted the words " or section 1 of the Adoption Act 1976 ";  
 (b) in paragraph (e) for the words "Part IV of the Adoption Act 1958 " there are substituted the words " Part III of the Adoption Act 1976 ".
- 13 In section 63(6) of the said Act of 1969 at the end there is added the following paragraph—  
 “(j) the Adoption Act 1976.”.

*Administration of Justice Act 1970 (c. 31)*

- 14 In Schedule 1 to the Administration of Justice Act 1970 for the words " Adoption Acts 1958 and 1968 " there are substituted the words " Adoption Act 1976 " , and at the end of that Schedule there is added the following paragraph—  
 “Proceedings on appeal under Part II or section 29 or 55 of the Adoption Act 1976.”.

*Local Authority Social Services Act 1970 (c. 42)*

- 15 In Schedule 1 to the Local Authority Social Services Act 1970, the following is added at the end—

“Adoption Act 1976 (c. 36)

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| Maintenance of Adoption Service ;<br>functions of local authority as adoption |
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agency ; applications for orders freeing children for adoption; inquiries carried out by local authorities in adoption cases ; care, possession and supervision of children awaiting adoption.”.

#### *Guardianship of Minors Act 1971 (c. 3)*

- 16 In section 9(6) of the Guardianship of Minors Act 1971, for the words from " (within" to the end there are substituted the following words " by virtue of an order under section 18 of the Adoption Act 1976 (orders in England and Wales) or section 14 of the Children Act 1975 (orders in Scotland) " .

#### *Immigration Act 1971 (c. 77)*

- 17 In section 33(1) of the Immigration Act 1971, in the definition of " legally adopted ", for the words " section 4 of the Adoption Act 1968 " there are substituted the words " section 72(2) of the Adoption Act 1976 " .

#### *Legal Aid Act 1974 (c. 4)*

- 18 In Schedule 1 to the Legal Aid Act 1974 in paragraph 3(d) for the words " Part I of the Children Act 1975 " there are substituted the words " Part II or section 29 or 55 of the Adoption Act 1976 " .

#### *Children Act 1975 (c. 72)*

- 19 In section 37(1) of the Children Act 1975 for the words " section 12 " and " section 24(6) " there are substituted respectively the words " section 16 of the Adoption Act 1976 " and " section 17(6) of that Act " .
- 20 In section 60(6) of the said Act of 1975 after the words " section 14 " and " section 25 " there are added the words " section 18 of the Adoption Act 1976 " and " section 55 of that Act " respectively.
- 21 In section 98(1)(b) of the said Act of 1975 at the end there are added the words " within the meaning of section 1 of the Adoption Act 1976 " .
- 22 In section 103(1)(a) of the said Act of 1975 for paragraph (i) there is substituted the following paragraph—  
“(i) section 65 of the Adoption Act 1976 ;”.

#### *Legitimacy Act 1976 (c. 31)*

- 23 In section 4 of the Legitimacy Act 1976,
- (a) in subsection (1), for the words "Paragraph 3 of Schedule 1 to the Children Act 1975 " there are substituted the words " Section 39 of the Adoption Act 1976 ";
  - (b) in subsection (2)(a), for the words "sub-paragraph (2) of the said paragraph 3" there are substituted the words " subsection (2) of the said section 39 ";
  - (c) in subsection (2)(b), for the words "Part II of the said Schedule 1" there are substituted the words " section 39, 41 or 42 of the Adoption Act 1976 " .

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- 24 In section 6(2) of the said Act of 1976, for the words " paragraph 6(2) of Schedule 1 to the Children Act 1975" there are substituted the words " section 42(2) of the Adoption Act 1976 ".

## PART II

### AMENDMENTS EXTENDING ONLY TO SCOTLAND

#### *Children Act 1958 (6 & 7 Eliz. 2 c. 65)*

- 25 In section 2(4A) of the Children Act 1958, after the words " Children Act 1975 " there are inserted the words " or in Part I of the Adoption Act 1976 ".
- 26 In section 6(1) of the said Act of 1958, in paragraph (f), after the words " section 43 of the Adoption Act 1958 " there are added the words " or section 34 of the Adoption Act 1976 ".

#### *Adoption Act 1958 (7 & 8 Eliz. 2 c. 5)*

- 27 In section 22(4A) of the Adoption Act 1958, in paragraph (b) after the word " 1975 " there are inserted the words " or under section 3 of the Adoption Act 1976 ".
- 28 In section 29(2) of the said Act of 1958 after the word " 1975 " there are inserted the words " or the Adoption Act 1976 ".
- 29 In section 34 of the said Act of 1958 the following subsections are added after subsection (3)—
- “(4) This section, except subsection (3), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (5) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 27 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 30 In section 34A of the said Act of 1958 the following subsections are inserted after subsection (6)—
- “(6A) This section, except subsection (6), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (6B) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 28 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 31 In section 37 of the said Act of 1958, the following subsection is inserted after subsection (1)—
- “(2) A child shall be deemed to be a protected child within the meaning of this Part of this Act if he is a protected child within the meaning of section 32(1) of the Adoption Act 1976.”
- 32 In section 52(1) of the said Act of 1958, after the word " 1975 " there are inserted the words " or section 55 of the Adoption Act 1976 ".

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33 In section 57 of the said Act of 1958 the following subsection is inserted after subsection (1)—

“(1A) In sections 22, 29, 34 to 37 and 40(4) of this Act—

- (a) "adoption agency" includes an adoption agency within the meaning of section 1 of the Adoption Act 1976,
- (b) except in sections 34 and 34A "adoption order" includes an order under section 12 of the Adoption Act 1976,
- (c) "local authority" includes the council of a county (other than a metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London.”

*Social Work (Scotland) Act 1968 (c. 49)*

34 In section 16(3) and (11)(b) of the Social Work (Scotland) Act 1968, after the words "Children Act 1975" there are added the words "or under section 18 or 55 of the Adoption Act 1976".

*Adoption Act 1968 (c. 53)*

35 In section 6 of the Adoption Act 1968 the following subsection is inserted after subsection (4)—

“(4A) Any order or decision of the High Court on an application under subsection (2) of section 53 of the Adoption Act 1976 shall be recognised and have effect as if it were an order or decision of the Court of Session on an application under subsection (3) of this section.”

36 In section 11(1) of the said Act of 1968, in the definition of "the court", the words "the High Court or" shall cease to have effect.

*Children Act 1975 (c. 72)*

37 In section 8(3) of the Children Act 1975, for the words "the order" in the first place where they occur there are substituted the words "the adoption order".

38 In section 12(1) of the said Act of 1975, after paragraph (a) there is inserted the following paragraph—

“(aa) he is the subject of an order under section 18 of the Adoption Act 1976; or”

39 In section 16(3)(c) after the words "section 8(3)(b)" there are inserted the words "or section 12(3)(b) of the Adoption Act 1976".

40 In section 23 of the said Act of 1975, after the words "this section" there are inserted the words "or under Part II of the Adoption Act 1976".

41 In section 25(4) of the said Act of 1975 after the words "this section" there are inserted the words "or under section 55 of the Adoption Act 1976".

42 In section 100(9)(a)(ii) after the words "section 14" there are added the words "or under section 18 of the Adoption Act 1976".

43 In section 107 of the said Act of 1975—

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- (a) in subsection (1), in the definition of " British Adoption Order " after the words " an adoption order " there are inserted the words " an order under section 12 of the Adoption Act 1976 " ; and
- (b) the following subsection is inserted after subsection (2)—

“(2A) In this Act—

- (a) in sections 9, 14 to 16, 18, 22 and 23, " adoption agency " includes an adoption agency within the meaning of section 1 of the Adoption Act 1976 (adoption agencies in England and Wales);
- (b) in sections 8(3) and (4), 14 to 16, 23 and 100(9), " adoption order " includes an order under section 12 of the Adoption Act 1976 (adoption orders in England and Wales);
- (c) in sections 9 and 18, " local authority " includes the council of a county (other than metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London;
- (d) in section 14(6) the reference to an order under that section shall be construed as including an order under section 18 of the Adoption Act 1976”.

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In paragraph 7 of Schedule 2 to the said Act of 1975, in sub-paragraph (c), after the word " in " there are inserted the words " England, Wales, ".