

SCHEDULE

Section 1(8).

MODIFICATIONS OF SECTION 1 FOR CHILDREN IN CERTAIN CASES

Children in care of local authorities and voluntary organisations

- 1 (1) This paragraph applies in the case of a child who is in the care of a local authority or voluntary organisation in England or Wales.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the consent of the local authority or voluntary organisation in whose care the child is ; and
 - (b) subsections (3) to (6) were omitted.

Children in places of safety

- 2 (1) This paragraph applies in the case of a child who is committed to a place of safety in England or Wales in pursuance of—
- (a) section 40 of the Children and Young Persons Act 1933 ; or
 - (b) section 43 of the Adoption Act 1958 ; or
 - (c) section 2(5) or (10), 16(3) or 28(1) or (4) of the Children and Young Persons Act 1969 ; or
 - (d) section 12 of the Foster Children Act 1980.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the leave of any magistrates' court acting for the area in which the place of safety is ; and
 - (b) subsections (3) to (6) were omitted.

Adoption and custodianship

- 3 (1) This paragraph applies in the case of a child—
- (a) who is the subject of an order under section 14 of the Children Act 1975 freeing him for adoption ; or
 - (b) who is the subject of a pending application for such an order; or
 - (c) who is the subject of a pending application for an adoption order; or
 - (d) who is the subject of an order under section 25 of the Children Act 1975 or section 53 of the Adoption Act 1958 relating to adoption abroad or of a pending application for such an order; or
 - (e) who is the subject of a pending application for a custodianship order.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference—
 - (i) in a case within sub-paragraph (1)(a) above, to the consent of the adoption agency which made the application for the order or, if the parental rights and duties in respect of the child have been transferred from that agency to another agency by an order under section 23 of the Children Act 1975, to the consent of that other agency ;

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

- (ii) in a case within sub-paragraph (1)(b), (c) or (e) above, to the leave of the court to which the application was made; and
 - (iii) in a case within sub-paragraph (1)(d) above, to the leave of the court which made the order or, as the case may be, to which the application was made ; and
- (b) subsections (3) to (6) were omitted.

Cases within paragraphs 1 and 3

- 4 In the case of a child falling within both paragraph 1 and paragraph 3 above, the provisions of paragraph 3 shall apply to the exclusion of those in paragraph 1.

Interpretation

- 5 (1) In this Schedule—
- (a) subject to sub-paragraph (2) below, " adoption agency" has the same meaning as in section 1 of the Children Act 1975 ;
 - (b) "adoption order" means an order under section 8(1) of that Act;
 - (c) " custodianship order" has the same meaning as in Part II of that Act; and
 - (d) " local authority " and " voluntary organisation " have the same meanings as in section 87 of the Child Care Act 1980.
- (2) Until the coming into force of section 1 of the Children Act 1975, for the words " adoption agency " in this Schedule there shall be substituted " approved adoption society or local authority " ; and in this Schedule " approved adoption society " means an adoption society approved under Part I of that Act.
- (3) In paragraph 3(1) above references to an order or to an application for an order are references to an order made by, or to an application to, a court in England or Wales.
- (4) Paragraph 3(2) above shall be construed as if the references to the court included, in any case where the court is a magistrates' court, a reference to any magistrates' court acting for the same petty sessions area as that court.