

*Changes to legislation: There are currently no known outstanding effects for the Child Abduction Act 1984. (See end of Document for details)*

## 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 [<sup>F1</sup>within the meaning of the Children Act 1989] 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 <sup>F2</sup> . . . in whose care the child is; and
  - (b) subsections (3) to (6) were omitted.

#### **Textual Amendments**

- F1** Words in the Schedule para. 1(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para.40\(2\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F2** Words in the Schedule para. 1(2)(a) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(7\), Sch.15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

#### *Children in places of safety*

- 2 [<sup>F3</sup>(1) This paragraph applies in the case of a child who is—
- [<sup>F4</sup>(a) detained in a place of safety under paragraph 4(2)(a) of Schedule 4, paragraph 7(2)(a) of Schedule 5 or paragraph 24(2)(a) of Schedule 7 to the Sentencing Code;]
  - [<sup>F5</sup>(aa) detained in a place of safety under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or]
  - [<sup>F6</sup>(b) remanded to local authority accommodation under paragraph 5 of Schedule 4, paragraph 8 of Schedule 5 or paragraph 25 of Schedule 7 to the Sentencing Code;]
  - (ba) remanded to local authority accommodation under paragraph 10 of the Schedule to the Street Offences Act 1959<sup>F7</sup>; or
  - (bb) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]
- (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 [<sup>F8</sup>, local authority accommodation or youth detention accommodation] is; and
  - (b) subsections (3) to (6) were omitted.

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### Textual Amendments

- F3** Sch. 1 para. 2(1)(a)(b) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 40(3)** (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**
- F4** Sch. para. 2(1)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 75(a)** (with [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F5** Sch. para. 2(1)(aa) inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), Sch. 7 para. 20(a); S.I. 2010/507, **art. 5(v)(x)**; S.I. 2010/507, **art. 5(v)(x)**
- F6** Sch. para. 2(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 75(b)** (with [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F7** Sch. para. 2(2)(bb) and word inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **Sch. 12 para. 20(b)**; S.I. 2012/2906, **art. 2(j)**;
- F8** Words in Sch. para. 2(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 20(c)**; S.I. 2012/2906, **art. 2(j)** (with **art. 7(2)(3)**); S.I. 2012/2906, **art. 2(j)** (with **art. 7(2)(3)**)

### *Adoption and custodianship*

- 3 <sup>F9</sup>(1) This paragraph applies where—
- (a) a child is placed for adoption by an adoption agency under section 19 of the Adoption and Children Act 2002, or an adoption agency is authorised to place the child for adoption under that section; or
  - (b) a placement order is in force in respect of the child; or
  - (c) an application for such an order has been made in respect of the child and has not been disposed of; or
  - (d) an application for an adoption order has been made in respect of the child and has not been disposed of; or
  - (e) an order under section 84 of the Adoption and Children Act 2002 (giving parental responsibility prior to adoption abroad) has been made in respect of the child, or an application for such an order in respect of him has been made and has not been disposed of.]
- <sup>F9</sup>(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—
    - (i) in a case within sub-paragraph (1)(a) above, a reference to the consent of each person who has parental responsibility for the child or to the leave of the High Court;
    - (ii) in a case within sub-paragraph (1)(b) above, a reference to the leave of the court which made the placement order;
    - (iii) in a case within sub-paragraph (1)(c) or (d) above, a reference to the leave of the court to which the application was made;
    - (iv) in a case within sub-paragraph (1)(e) above, a reference to the leave of the court which made the order or, as the case may be, to which the application was made;
  - (b) subsection (3) were omitted;
  - (c) in subsection (4), in paragraph (a), for the words from “in whose favour” to the first mention of “child” there were substituted “who provides the child’s home in a case falling within sub-paragraph (1)(a) or (b) of paragraph 3 of the Schedule to this Act”; and
  - (d) subsections (4A), (5), (5A) and (6) were omitted.]

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[<sup>F10</sup>(3) Sub-paragraph (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 area as that court]

#### Textual Amendments

- F9** Sch. paras. 3(1)(2) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 43(2)** (with Sch. 4 paras. 6-8, 21); S.I. 2005/2213, art. 2(o); S.I. 2005/2213, art. 2(o)
- F10** Sch. para. 3(3) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para. 40(6)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

#### *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*

- <sup>F11</sup>[5 In this Schedule—
- (a) “adoption agency” [<sup>F12</sup>, “adoption order”, “placed for adoption by an adoption agency” and “placement order” have the same meaning as in the Adoption and Children Act 2002; and]
- (b) “area”, in relation to a magistrates’ court, means the petty sessions area <sup>F13</sup> . . . for which the court is appointed.]

#### Textual Amendments

- F11** Sch. para. 5 (a)(b) substituted (14.10.1991) for Sch. para. 5 containing (1)-(4) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(7)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F12** Words in Sch. para. 5(a) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 43(3)** (with Sch. 4 paras. 6-8, 21); S.I. 2005/2213, art. 2(o)
- F13** Words in Sch. para. 5(b) repealed (27.9.1999) by 1999 c. 22, ss. 106, 180(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9))

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