

SCHEDULE 1

Regulation 2

Application of Adoption and Children Act 2002 Provisions with Modifications to Parental Orders and Applications for such Orders

<i>Column 1</i>	<i>Column 2</i>
Provisions of the 2002 Act	Modifications
Section 1 (considerations applying to the exercise of powers)	(i) As if the words “or adoption agency” were omitted on each occasion they appear; (ii) as if in section 1(1) for “the adoption of” there were substituted “the making of a parental order in relation to”; (iii) as if in section 1(4) the words “or agency” were omitted on each occasion they appear; (iv) as if in section 1(4)(c) for “an adopted person” there were substituted “the subject of a parental order”; (v) as if in section 1(4)(f) the words from “including” to “regarding the child” were omitted; (vi) as if section 1(5) were omitted; (vii) as if in section 1(6) after “whether” there were inserted “under section 54 of the Human Fertilisation and Embryology Act 2008,”, as if after the words “this Act” on the first occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”(1) and as if for “any order under this Act” there were substituted “an order under that section or under this Act as so applied”; (viii) as if in section 1(7) for “the adoption of” there were substituted “the making of a parental order in relation to”; (ix) as if for the words in section 1(7)(a) from “include” to “variation of such an order,” there were substituted “include a parental order (or the revocation of such an order),”; and

(1) see the application of section 144 with modifications for the definition of the “Parental Order Regulations”.

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	(x) as if in section 1(7)(b) the words “adoption agency or” were omitted.
Section 2(5) (basic definitions)	
Section 36(1), (4), (6) and (7) (restrictions on removal)	<p>(i) As if in section 36(1) the words from “(“the people concerned”)” to “people concerned” were omitted;</p> <p>(ii) as if for section 36(1)(a) there were substituted “(a) who have applied for a parental order in respect of the child and the application has not been disposed of.”;</p> <p>(iii) as if section 36(1)(b) and (c) were omitted;</p> <p>(iv) as if in section 36(1) for the words from “group of sections” to “Northern Irish adoption agency” there were substituted “section and section 37 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(v) as if in section 36(4) for “This section” there were substituted “In the case of an application for a parental order under section 54(11) of the Human Fertilisation and Embryology Act 2008 this section.”;</p> <p>(vi) as if section 36(6)(a) were omitted;</p> <p>(vii) as if in section 36(6)(b) after “this section,” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>and</p> <p>(viii) as if in section 36(7) for “This group of sections applies” there were substituted “This section and section 37, as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations, apply”.</p>
Section 37 (applicants for adoption)	As if after “section 36(1)(a),” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 41 (recovery orders)	(i) As if in section 41(1)(a) for “any of the preceding provisions of this Chapter” there were substituted “section 36 or 37 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;

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	(ii) as if section 41(1)(b) were omitted;
	(iii) as if in section 41(2)(a) after “subsection (4)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iv) as if in section 41(3) after “subsection (2)(d)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(v) as if in section 41(4) after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
	(vi) as if section 41(4)(c) were omitted.
Section 46(1) to (4) (adoption orders)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if for section 46(1) there were substituted “(1) A parental order transfers parental responsibility for a child in respect of whom it is made to the persons who obtained the order”;
	(iii) as if in section 46(2)(a) for “adopters or adopter” there were substituted “persons who obtained the order” and for “adopted child” there were substituted “child who is the subject of the parental order”;
	(iv) as if in section 46(2)(d) the word “adopted” was omitted and for “adoption” there were substituted “parental”; and
	(v) as if section 46(3)(b) were omitted.
Section 48 (restrictions on making adoption orders)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if in section 48(1) after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iii) as if in section 48(2) for paragraphs (a) and (b) there were substituted “for a parental

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	order, whether made in England and Wales or in Scotland or Northern Ireland.”.
Section 60(1) and (4) (disclosing information to adopted adult)	<p>(i) As if in section 60(1) for “an adopted person who” there were substituted “a person who is the subject of a parental order and”;</p> <p>(ii) as if in section 60(4) for “adoption order” and “adoption” there were substituted “parental order” and as if the word “adopted” and “also” were omitted; and</p> <p>(iii) as if at the end of section 60(4) there were inserted “But the court must not provide a copy of any prescribed document or prescribed order to the person who is the subject of the parental order unless that person certifies that they have—</p> <p>(a) been informed about the availability of counselling services providing counselling in relation to the implications of compliance with the request; and</p> <p>(b) been given a suitable opportunity to receive counselling.”.</p>
Section 64(1) (other provision to be made by regulations)	As if section 64(1)(a) and (c) were omitted.
Section 65(1) (sections 56 to 65: interpretation)	<p>(i) As if the definition of “appropriate adoption agency” and the definition of “regulations” were omitted; and</p> <p>(ii) as if in the definition of “subordinate legislation” the words “regulations or” were omitted.</p>
Section 67(1) to (3), (5) and (6) (status conferred by adoption)	<p>(i) As if for the words “an adopted person” on each occasion they appear there were substituted “a person who is the subject of a parental order”;</p> <p>(ii) as if for the words “adopters or adopter” on each occasion they appear there were substituted “persons who obtained the order”;</p> <p>(iii) as if in section 67(2) the words from “and, if adopted by” to “section 51(2),” were omitted;</p> <p>(iv) as if in section 67(2) for “the couple in question” there were substituted “those persons”;</p>

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	(v) as if section 67(3)(a) were omitted;
	(vi) as if in section 67(3)(b) the words “in any other case,” and “subject to subsection (4)” were omitted;
	(vii) as if in section 67(5) for “adoption” there were substituted “parental order”;
	(viii) as if in section 67(6) for “and Schedule 4” there were substituted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	and
	(ix) as if in section 67(6) for the word “adoption” on each occasion it appears there were substituted “making of the parental order”.
Section 68(3) (adoptive relatives)	As if in section 68(3) for the words from “adoptive mother” onwards there were substituted “mother and father of a child who is the subject of a parental order obtained by two persons of the same sex is to be read as a reference to the child’s parents”.
Section 69 (rules of interpretation for instruments concerning property)	(i) As if in section 69(1) the words “and to Schedule 4” were omitted;
	(ii) as if in section 69(2) after “and (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iii) as if in section 69(2) for “adoptive parent or parents” there were substituted “persons who obtained the parental order”;
	(iv) as if in section 69(2)(a) for “adopted person” there were substituted “person who is the subject of the parental order” and for “adoption” there were substituted “the parental order”;
	(v) as if in section 69(2)(b) for “adopted” there were substituted “who are the subject of parental orders”;
	(vi) as if in section 69(3) after “subsection (2)” and in section 69(4) after “Section 67(3)” and in section 69(5)(b) after “section 67”, there were inserted “as applied with modifications by

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	<p>regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(vii) as if in section 69(4) for “adopted person” there were substituted “person who is the subject of a parental order” and for “adoption” there were substituted “parental order is made”;</p> <p>(viii) as if in section 69(5)(a) for “adopt” there were substituted “apply for a parental order in respect of”; and</p> <p>(ix) as if in section 69(5)(b) for the words from “as her child” to “the instrument” there were substituted “for the purposes of the instrument as her child or as the child of the person with whom she obtained the order”.</p>
Section 71 (property devolving with peerages etc)	<p>(i) As if for the words “an adoption” on each occasion they appear there were substituted “a parental order”; and</p> <p>(ii) as if in section 71(3) after “Subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 72 (1) (protection of trustees and personal representatives)	As if in section 72(1) for “adoption” there were substituted “parental order” and for “effected” there were substituted “made”.
Section 73 (meaning of disposition)	As if in section 73(3) after the words “This Chapter” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 74 (miscellaneous enactments)(2)	<p>(i) As if in section 74(1) and 74(2) after the words “Section 67” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and</p> <p>(ii) as if in section 74(1) after “not apply” there were inserted “so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”.</p>

(2) Section 74 was amended by the Sexual Offences Act 2003 (c.42), section 139 and Schedule 6, paragraph 47; and the Civil Partnership Act 2004 (c.33), section 79(1) and (7).

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Section 75 (pensions)	As if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.
Section 76(1) (insurance)	(i) As if for “is adopted whose” there were substituted “is the subject of a parental order and the child’s”; (ii) as if for “adoption” there were substituted “parental order”; and (iii) as if for the words “adoptive parents” on each occasion they appear there were substituted “persons who obtained the order”.
Section 77 (adopted children register)	(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”; (ii) as if in section 77(3)(a) for “adoption orders” there were substituted “parental orders”; (iii) as if in section 77(3)(b) after “Schedule 1” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; (iv) as if in section 77(4) for “adoption” there were substituted “parental order”; (v) as if in section 77(5) for the words “adopted person” on each occasion they appear there were substituted “person who is the subject of the parental order”; (vi) as if in section 77(6) for “adoptions” and for “adoption orders” there were substituted “parental orders”; and (vii) as if in section 77(6) after “amendment of parental orders)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 78 (searches and copies)(3)	(i) As if the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;

(3) Section 78 was amended by [S.I. 2008/678](#).

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	<p>(ii) as if in section 78(2) there were substituted “(2) The Registrar General shall—</p> <p>(a) at the request of any person, either permit the person to search the index or cause a search of the index to be made on that person’s behalf; and</p> <p>(b) issue to any person on request a certified copy of any entry in the Parental Order Register.”;</p> <p>(iii) as if in section 78(3) for “an adopted person” there were substituted “a person who is the subject of a parental order and”; and</p> <p>(iv) as if in section 78(4) after “under subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 79(1) to (3) and (7) to (9) (connections between the register and birth records)(4)	<p>(i) As if in section 79(1) for “marked “Adopted”” there were substituted “marked “Re-registered by the Registrar General” pursuant to paragraph 1(2) of Schedule 1 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if in section 79(1) for “Adopted Children Register” there were substituted “Parental Order Register”;</p> <p>(iii) as if in section 79(2) after “subsection (1)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(iv) as if in section 79(3) for “an adopted person” there were substituted “a person who is the subject of the parental order”;</p> <p>(v) as if in section 79(7) for the words from “On an application made” to the end of paragraph (b) there were substituted “On an application made in the prescribed manner by a person who is the subject of a parental order and a record of whose birth is kept by the Registrar General and who is under the age of</p>

(4) Section 79 was amended by the Civil Partnership Act 2004 (c.33), section 79(1), (8)(a) and (b); and by S.I. 2005/3542 and S.I. 2008/678.

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	18 years and intends to be married or form a civil partnership,”;
	(vi) as if in section 79(8) for “any prescribed fee which he has demanded must be paid” there were substituted-
	“(a) any prescribed fee which he has demanded must be paid; and
	(b) the applicant must—
	(i) be informed about the availability of counselling services providing counselling in relation to the implications of compliance with the request; and
	(ii) be given a suitable opportunity to receive counselling”; and
	(vii) as if in section 79(9) the definition of “appointed day” were omitted.
Section 82 (interpretation)	
Section 83(1), (5) and (7) to (9) (restriction on bringing children in)(5)	(i) As if in section 83(1) for the word “adoption” on each occasion it appears there were substituted “applying for a parental order”;
	(ii) as if in section 83(1) paragraph (b) and the word “or” immediately before it were omitted;
	(iii) as if in section 83(1) the words “or to a child adopted” on each occasion they appear were omitted;
	(iv) as if in section 83(5) for “this section applies” there were substituted “this section as applied with modifications made by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(v) as if in section 83(7) paragraph (a) were omitted;
	(vi) as if in section 83(7) for “this section applies” there were substituted “this section as applied with modifications made by

(5) Section 83 was amended by the Children and Adoption Act 2006 (c.20), section 14(1).

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	regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
	(vii) as if in section 83(9) the words “after consultation with the Assembly” were omitted.
Section 101(1) (privacy)	As if after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 102(1) to (4) and (6) to (8) (officers of the service) ⁽⁶⁾	(i) As if for the words “placement or adoption” on each occasion they appear there were substituted “a parental order”;
	(ii) as if in section 102(1) the words “in prescribed cases” were omitted;
	(iii) as if section 102(6)(a), (b) and (d) were omitted; and
	(iv) as if for section 102(6)(c) there were substituted “(c) the making or revocation of a parental order.”.
Section 104 (evidence of consent)	As if in section 104(1) after “this Part” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations or by section 54(6) of the 2008 Act”.
Section 105(3) and (4) (effect of certain Scottish orders and provisions)	(i) As if in section 105(3)(a) for the words from “section 27(1)” to “or” there were substituted “section 20(2) of the Adoption and Children (Scotland) Act 2007 (restrictions on removal where application pending) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(ii) as if section 105(3)(b) were omitted;
	(iii) as if in section 105(4) for “section 29” there were substituted “section 24”;
	(iv) as if in section 105(4) after “remove child)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	and
	(v) as if in section 105(4) after “this Act” there were inserted “as applied with modifications by

⁽⁶⁾ Section 102 was amended by the Children Act 2004 (c.31), section 40 and Schedule 3, paragraphs 15 and 16.

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	regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 106(3) and (4) (effect of certain Northern Irish orders and provisions)	<p>(i) As if in section 106(3)(a) the words “or (2)” were omitted and for “(removal where adoption agreed etc)” there were substituted “(restrictions on removal where application is pending) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if section 106(3)(b) were omitted;</p> <p>(iii) as if in section 106(4) after “remove child)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and</p> <p>(iv) as if in section 106(4) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 107 (use of adoption records from other parts of the British Islands)	<p>(i) As if in section 107(a) for “section 45(2)” there were substituted “section 56”;</p> <p>(ii) as if in section 107(a) for “Adoption (Scotland) Act 1978” there were substituted “Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(iii) as if in section 107(b) after “Order 1987” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and</p> <p>(iv) as if in section 107(c) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 140(1), (2) and (7) to (9) (orders, rules and regulations)	(i) As if after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;

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	<p>(ii) as if in section 140(1) the words “the Lord Chancellor” and “the Scottish Ministers” and “the Assembly” were omitted; and</p> <p>(iii) as if in section 140(2) the words “(other than section 14 or 148 or an instrument to which subsection (3) applies)” were omitted.</p>
Section 141(1), (3) to (6) (rules of procedure)(7)	<p>(i) As if in section 141(1) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if in section 141(3) for “placement order, for the variation or revocation of such an order, or for an adoption order,” there were substituted “parental order”; and</p> <p>(iii) as if in section 141(4) for paragraphs (a) to (c) there were substituted “every person who can be found whose consent to the making of the order is required under section 54(6) of the Human Fertilisation and Embryology Act 2008”.</p>
Section 144(1) and (2) (general interpretation)(8)	<p>(i) As if after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if after the definition of “notice” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010”;</p> <p>(iii) as if in the definition of “regulations” for the words from “the appropriate Minister” to “the Registrar General” there were substituted “the Secretary of State, unless they are required to be made by the Registrar General”;</p> <p>(iv) as if for the definition of “rules” there were substituted ““rules” means rules made by virtue of section 141(1) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations,”; and</p>

(7) Section 141 was amended by the Courts Act 2003 (c.39), section 109(1) and Schedule 8, paragraph 413(1) to (3) and Schedule 10; and the Children Act 2004 (c.31), section 62(6).

(8) Section 144 was amended by the Courts Act 2003 (c.39), section 109(1) and Schedule 8, paragraph 414; the Civil Partnership Act 2004 (c.33), section 79(1), (11) and (12).

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	(v) as if in section 144(2) the words “Order in Council or” and “Order or, as the case may be,” were omitted.
Schedule 1, paragraph 1 (registration of adoption orders) ⁽⁹⁾	(i) As if in paragraph 1(1) for “adoption order” there were substituted “parental order”; (ii) as if in paragraph 1(1) for “Adopted Children Register” there were substituted “Parental Order Register”; (iii) as if in paragraph 1(2) for “an adoption order” there were substituted “a parental order”; (iv) as if in paragraph 1(2) for “adoption” there were substituted “parental”; (v) as if in paragraph 1(2) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””; (vi) as if paragraph 1(3) were omitted; and (vii) as if in paragraph 1(4) for “an adoption order” there were substituted “a parental order”.
Schedule 1, paragraph 2 (registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands)	(i) As if in paragraph 2(1) for “Sub-paragraphs (2) and (3)” there were substituted “Sub-paragraph (2) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; (ii) as if in paragraph 2(1) for “adoptions” there were substituted “parental orders”; (iii) as if in paragraph 2(1) for “an order has been made in that part authorising the adoption of a child” there were substituted “a parental order has been made in that part in respect of a child”; (iv) as if in paragraph 2(2) for “Adopted Children Register” there were substituted “Parental Order Register”; (v) as if in paragraph 2(2) for “the word “Adopted”” there were substituted “the words “Re-registered by the Registrar General””;

⁽⁹⁾ Paragraph 1 was amended by [S.I. 2008/678](#).

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	(vi) as if paragraph 2(3) were omitted;
	(vii) as if in paragraph 2(4) for “in sub-paragraphs (2) and (3)” there were substituted “in sub-paragraph (2) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
	(viii) as if in paragraph 2(5) after “sub-paragraph (4)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Schedule 1, paragraph 4 (amendment of orders and rectification of Registers and other records)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
	(iii) as if in paragraph 4(1) for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;
	(iv) as if in paragraph 4(2) for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;
	(v) as if in paragraph 4(2)(a) for “given to the adopted person” there were substituted “given to the person who is the subject of the parental order”;
	(vii) as if in paragraph 4(2)(b) for “by the adopted person” there were substituted “by that person”;
	(viii) as if in paragraph 4(3) the words “or (3)” were omitted;
	(ix) as if in paragraph 4(3) after “paragraph 1(2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(x) as if in paragraph 4(4) after “(1) to (3)” there were inserted “as applied with

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	modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(xi) as if in paragraph 4(7) after “section 78(2) (b)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	and
	(xii) as if paragraph 4(9) and (10) were omitted.