

## SCHEDULES

### SCHEDULE 1

Section 8.

#### STATUS CONFERRED BY ADOPTION OR LEGITIMATION IN ENGLAND AND WALES

#### PART I

##### INTERPRETATION

- 1 (1) This Part applies for the construction of this Schedule, except where the context otherwise requires.
- (2) " Adoption " means adoption—
  - (a) by an adoption order as defined in section 107,
  - (b) by an adoption order made under the 1958 Act or the Adoption Act 1950 or any enactment repealed by the Adoption Act 1950,
  - (c) by an order made in Northern Ireland, the Isle of Man or in any of the Channel Islands,
  - (d) which is an overseas adoption as denned by section 4(3) of the Adoption Act 1968, or
  - (e) which is an adoption recognised by the law of England and Wales, and effected under the law of any other country,and cognate expressions shall be construed accordingly.
- (3) " Legitimation " means—
  - (a) legitimation under section 1 of the Legitimacy Act 1926,
  - (b) legitimation within section 8 of that Act (legitimation by extraneous law), or
  - (c) legitimation (whether or not by virtue of subsequent marriage of the parents) recognised by the law of England and Wales, and effected under the law of any other country,and cognate expressions shall be construed accordingly.
- (4) These definitions of adoption and legitimation include, where the context admits, those effected before the passing of this Act, and the date of an adoption effected by an order is the date of the making of the order.
- (5) " Existing ", in relation to any enactment or other instrument, means one passed or made before 1st January 1976 (and whether or not before the passing of this Act).
- (6) The death of the testator is the date at which a will or codicil is to be regarded as made.

##### *Dispositions of property*

- 2 (1) In this Schedule—
  - " disposition " includes the conferring of a power of appointment and any other disposition of an interest in or right over property;

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" power of appointment " includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration.

- (2) This Schedule applies to an oral disposition of property as if contained in an instrument made when the disposition was made.

## PART II

### ADOPTION ORDERS

#### *Status conferred by adoption*

- 3 (1) An adopted child shall be treated in law—
- (a) where the adopters are a married couple, as if he had been born as a child of the marriage (whether or not he was in fact born after the marriage was solemnized);
  - (b) in any other case, as if he had been born to the adopter in wedlock (but not as a child of any actual marriage of the adopter).
- (2) An adopted child shall be treated in law as if he were not the child of any person other than the adopters or adopter.
- (3) It is hereby declared that this paragraph prevents an adopted child from being illegitimate.
- (4) This paragraph has effect—
- (a) in the case of an adoption before 1st January 1976, from that date, and
  - (b) in the case of any other adoption, from the date of the adoption.
- (5) Subject to the provisions of this Part, this paragraph applies for the construction of enactments or instruments passed or made before the adoption or later, and so applies subject to any contrary indication.
- (6) Subject to the provisions of this Part, this paragraph has effect as respects things done, or events occurring, after the adoption, of after 31st December 1975, whichever is the later.

#### *Vocabulary*

- 4 A relationship existing by virtue of paragraph 3 may be referred to as an adoptive relationship, and—
- (a) a male adopter may be referred to as the adoptive father;
  - (b) a female adopter may be referred to as the adoptive mother;
  - (c) any other relative of any degree under an adoptive relationship may be referred to as an adoptive relative of that degree,
- but this paragraph does not prevent the term " parent", or any other term not qualified by the word " adoptive ", being treated as including an adoptive relative.

#### *Instruments and enactments concerning property*

- 5 (1) Paragraph 3—

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- (a) does not apply to an existing instrument or enactment 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) The repeal by this Act of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, does not affect their application in relation to a disposition of property effected by an existing instrument.
  - (3) For the purposes of this paragraph, and of paragraph 6, provisions of the law of intestate succession applicable to the estate of a deceased person shall be treated as if contained in an instrument executed by him (while of full capacity) immediately before his death.
  - 6 (1) Subject to any contrary indication, the rules of construction contained in this paragraph apply to any instrument, other than an existing instrument, so far as it contains a disposition of property.
  - (2) In applying paragraph 3(1) to a disposition which depends on the date of birth of a child or children of the adoptive parent or parents, the disposition shall be construed as if—
    - (a) the adopted child had been born on the date of adoption,
    - (b) two or more children adopted on the same date had been born on that date in the order of their actual births,but this does not affect any reference to the age of a child.
  - (3) Examples of phrases in wills on which sub-paragraph (2) can operate are—
    1. Children of A "living at my death or born afterwards".
    2. Children of A "living at my death or born afterwards before any one of such children for the time being in existence attains a vested interest, and who attain the age of 21 years".
    3. As in example 1 or 2, but referring to grandchildren of A, instead of children of A.
    4. A for life "until he has a child", and then to his child or children.
- Note.* Sub-paragraph (2) will not affect the reference to the age of 21 years in example 2.
- (4) Paragraph 3(2) does not prejudice any interest vested in possession in the adopted child before the adoption, or any interest expectant (whether immediately or not) upon an interest so vested.
  - (5) Where it is necessary to determine for the purposes of a disposition of property effected by an instrument whether a woman can have a child, it shall be presumed that once a woman has attained the age of fifty-five she will not adopt a child after execution of the instrument, and notwithstanding paragraph 3 if she does so the child shall not be treated as her child or as the child of her spouse (if any) for the purposes of the instrument.
  - (6) In this paragraph "instrument" includes a private Act settling property, but not any other enactment.
  - (7) Paragraph 3(6) has effect subject to this paragraph.

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*Other enactments and instruments*

- 7 (1) Paragraph 3 does not apply for the purposes of the table of kindred and affinity in Schedule 1 to the Marriage Act 1949 or sections 10 and 11 (incest) of the Sexual Offences Act 1956.
- (2) Paragraph 3 does not apply for the purposes of any provision of—
- (a) the British Nationality Acts 1948 to 1965,
  - (b) the Immigration Act 1971,
  - (c) any instrument having effect under an enactment within paragraph (a) or (b),  
or
  - (d) any other provision of the law for the time being in force which determines citizenship of the United Kingdom and Colonies.
- (3) Paragraph 3 shall not prevent a person being treated as a near relative of a deceased person for the purposes of section 32 of the Social Security Act 1975 (payment of death grant), if apart from paragraph 3 he would be so treated.
- (4) Paragraph 3 does not apply for the purposes of section 70(3)(b) or section 73(2) of the Social Security Act 1975 (payment of industrial death benefit to or in respect of an illegitimate child of the deceased and the child's mother).
- (5) Subject to regulations made under section 72 of the Social Security Act 1975 (entitlement of certain relatives of deceased to industrial death benefit), paragraph 3 shall not affect the entitlement to an industrial death benefit of a person who would, apart from paragraph 3, be treated as a relative of a deceased person for the purposes of the said section 72.

*Pensions*

- 8 Paragraph 3(2) does not affect entitlement to a pension which is payable to or for the benefit of a child and is in payment at the time of his adoption.

*Adoption of child by natural parents*

- 9 In the case of a child adopted by one of its natural parents as sole adoptive parent, paragraph 3(2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

*Peerages, etc.*

- 10 An adoption does not affect the descent of any peerage or dignity or title of honour.

*Insurance*

- 11 Where a child is adopted whose natural parent has effected an insurance with a friendly society or a collecting society or an industrial insurance company for the payment on the death of the child of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption be transferred to the adoptive parents who shall for the purposes of the enactments relating to such societies and companies be treated as the person who took out the policy.

### PART III

#### LEGITIMATION

##### *Instruments concerning property*

- 12 (1) Subject to any contrary indication, the rules of construction contained in this paragraph apply to any instrument, other than an existing instrument, so far as the instrument contains a disposition of property.
- (2) For the purposes of this paragraph, provisions of the law of intestate succession applicable to the estate of a deceased person shall be treated as if contained in an instrument executed by him (while of full capacity) immediately before his death.
- (3) A legitimated person, and any other person, shall be entitled to take any interest as if the legitimated person had been born legitimate.
- (4) A disposition which depends on the date of birth of a child or children of the parent or parents shall be construed as if—
- (a) a legitimated child had been born on the date of legitimation,
  - (b) two or more children legitimated on the same date had been born on that date in the order of their actual births,
- but this does not affect any reference to the age of a child.
- (5) Examples of phrases in wills on which sub-paragraph (4) can operate are set out in paragraph 6(3).
- (6) If an illegitimate person, or a person adopted by one of his natural parents, dies (before the passing of this Act or later) and—
- (a) his parents subsequently marry, and
  - (b) the deceased would, if living at the time of the marriage, have become a legitimated person,
- section 1(1) of the Legitimacy Act 1926 and this paragraph shall apply for the construction of the instrument so far as it relates to the taking of interests by, or in succession to, his spouse, children and remoter issue as if he was legitimated at the date of the marriage.
- (7) In this paragraph " instrument" includes a private Act settling property, but not any other enactment.
- (8) Section 1(1) of the Legitimacy Act 1926 has effect subject to the provisions of this paragraph.
- (9) Part II of Schedule 4, which repeals enactments superseded by this paragraph, has effect as respects any instrument, other than an existing instrument.

##### *Legitimation of adopted child*

- 13 (1) Paragraph 3 does not prevent an adopted child being legitimated under the Legitimacy Act 1926 if either natural parent is the sole adoptive parent.
- (2) Where an adopted child (with a sole adoptive parent) is legitimated—
- (a) paragraph 3(2) shall not apply after the legitimation to the natural relationship with the other natural parent, and

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- (b) revocation of the adoption order in consequence of the legitimation shall not affect Part II as it applies to any instrument made before the date of legitimation.

## PART IV

### SUPPLEMENTAL

#### *Dispositions depending on date of birth*

- 14 (1) Where a disposition depends on the date of birth of a child who was born illegitimate and who—
- (a) is adopted by one of the natural parents as sole adoptive parent, or
  - (b) is legitimated (or, if deceased, is treated as legitimated),
- paragraph 6(2) and paragraph 12(4) do not affect entitlement under Part II of the Family Law Reform Act 1969 (illegitimate children).
- (2) Where a disposition depends on" the date of birth of an adopted child who is legitimated (or, if deceased, is treated as legitimated), paragraph 12(4) does not affect entitlement by virtue of paragraph 6(2).
- (3) This paragraph applies for example where-
- (a) a testator dies in 1976 bequeathing a legacy to his eldest grandchild living at a specified time,
  - (b) his daughter has an illegitimate child in 1977 who is the first grandchild,
  - (c) his married son has a child in 1978,
  - (d) subsequently the illegitimate child is adopted by the mother as sole adoptive parent or is legitimated,
- and in all those cases the daughter's child remains the eldest grandchild of the testator throughout.

#### *Protection of trustees and personal representatives*

- 15 (1) A trustee or personal representative is not under a duty, by virtue of the law relating to trusts or the administration of estates, to enquire, before conveying or distributing any property, whether—
- (a) any adoption has been effected or revoked, or
  - (b) any person is illegitimate, or is adopted by one of his natural parents, and could be legitimated (or if deceased be treated as legitimated),
- if that fact could affect entitlement to the property.
- (2) A trustee or personal representative shall not be liable to any person by reason of a conveyance or distribution of the property made without regard to any such fact if he has not received notice of the fact before the conveyance or distribution.
- (3) This paragraph does not prejudice the right of a person to follow the property, or any property representing it, into the hands of another person, other than a purchaser, who has received it.

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*Property devolving with peerages, etc.*

- 16 (1) This Schedule shall not affect the devolution of any property limited (expressly or not) to devolve (as nearly as the law permits) along with any peerage or dignity or title of honour.
- (2) This paragraph applies only if and so far as a contrary intention is not expressed in the instrument, and shall have effect subject to the terms of the instrument.

*Entails*

- 17 It is hereby declared that references in this Schedule to dispositions of property include references to a disposition by the creation of an entailed interest.

**PART V**

EXTENT

- 18 This Schedule does not apply to Scotland.

SCHEDULE 2

Section 8.

STATUS CONFERRED IN SCOTLAND BY ADOPTION

*General*

- 1 (1) In Scotland, a child who is the subject of an adoption order shall, subject to the provisions of this Schedule, be treated in law—
- (a) where the adopters are a married couple, as if he had been born as a legitimate child of the marriage (whether or not he was in fact born after the marriage was constituted);
  - (b) in any other case, as if he had been born as a legitimate child of the adopter (but not as a child of any actual marriage of the adopter),
- and as if he were not the child of any person other than the adopters or adopter.
- (2) Where an illegitimate child has been adopted by one of his natural parents as sole adoptive parent and the adopter thereafter marries the other natural parent, sub-paragraph (1) shall not affect any enactment or rule of law whereby, by virtue of the marriage, the child is rendered the legitimate child of both natural parents.
- (3) Sub-paragraph (1) does not apply in determining the prohibited degrees of consanguinity and affinity in respect of the law relating to marriage or in respect of the crime of incest, except that, on the making of an adoption order, the adopter and the child shall be deemed, for all time coming, to be within the said prohibited degrees in respect of the law relating to marriage.
- (4) Sub-paragraph (1) does not apply for the purposes of any provision of—
- (a) the British Nationality Acts 1948 to 1965,
  - (b) the Immigration Act 1971,
  - (c) any instrument having effect under an enactment within paragraph (a) or (b)
- or

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- (d) any other law for the time being in force which determines citizenship of the United Kingdom and Colonies.
- (5) This paragraph has effect—
  - (a) in the case of an adoption before 1st January 1976, from that date, and
  - (b) in the case of any other adoption, from the date of the adoption.
- (6) Subject to the provisions of this Schedule, this paragraph applies for the construction of any enactments or instruments passed or made before or after the commencement of this Act so far as the context admits.
- (7) Subject to the provisions of this Schedule, this paragraph does not affect things done or events occurring before the adoption or, where the adoption took place before 1st January 1976, before that date.

#### *Pensions*

- 2 The provision in paragraph 1(1) whereby a child who is the subject of an adoption order is to be treated in law as if he were not the child of any person other than the adopters or adopter shall not affect entitlement to a pension which is payable to, or for the benefit of, the child and is in payment at the time of his adoption.

#### *Insurance*

- 3 Where a child is adopted whose natural parent has effected an insurance with a friendly society or a collecting society or an industrial insurance company for the payment on the death of the child of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption be transferred to the adoptive parents who shall for the purposes of the enactments relating to such societies and companies be treated as the person who took out the policy.

#### *Social Security*

- 4 (1) Paragraph 1 shall not prevent a person being treated as a near relative of a deceased person for the purposes of section 32 of the Social Security Act 1975 (payment of death grant), if apart from paragraph 1 he would be so treated.
- (2) Paragraph 1 does not apply for the purposes of section 70(3)(b) or section 73(2) of the Social Security Act 1975 (payment of industrial death benefit to or in respect of an illegitimate child of the deceased and the child's mother).
- (3) Subject to regulations made under section 72 of the Social Security Act 1975 (entitlement of certain relatives of deceased to industrial death benefit), paragraph 1 shall not affect the entitlement to an industrial death benefit of a person who would, apart from paragraph 1, be treated as a relative of a deceased person for the purposes of the said section 72.

#### *Succession and Property*

- 5 (1) Paragraph 1 does not affect the existing law relating to adopted persons in respect of—
  - (a) the succession to a deceased person (whether testate or intestate), and
  - (b) the disposal of property by virtue of any inter vivos deed.



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- (2) In section 23 of the Succession (Scotland) Act 1964 (adopted person to be treated for purposes of succession, etc., as child of adopter)—
- (a) in subsection (3) (property devolving along with a title or honour, etc.), after " this section " there is inserted " or in the Children Act 1975 ";
  - (b) in subsection (5) (meaning of " adoption order "), for the words from " an order " to " Northern Ireland " there are substituted the words—
    - “(a) an adoption order under the Children Act 1975 ;
    - (b) an adoption order under the Adoption Act 1958 or the Adoption Act 1950 or any enactment repealed by the Adoption Act 1950 ;
    - (c) an order effecting an adoption made in Northern Ireland, the Isle of Man or any of the Channel Islands ;
    - (d) an " overseas adoption " as defined in section 4(3) of the Adoption Act 1968 ; or
    - (e) any other adoption recognised by the law of Scotland ; (whether the order took effect before or after the commencement of this Act); ”.
- (3) In section 24 of the said Act of 1964 (provisions supplementary to section 23), after subsection (1) there is inserted the following subsection—
- “(1A) Where, in relation to any purpose specified in section 23(1) of this Act, any right is conferred or any obligation is imposed, whether by operation of law or under any deed coming into operation after the commencement of the Children Act 1975, by reference to the relative seniority of the members of a class of persons, then, without prejudice to any entitlement under Part I of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 of an illegitimate child who is adopted by one of his parents,
- (a) any member of that class who is an adopted person shall rank as if he had been born on the date of his adoption, and
  - (b) if two or more members of the class are adopted persons whose dates of adoption are the same, they shall rank as between themselves in accordance with their respective times of birth.”.
- (4) In section 37(1) of the said Act of 1964 (exclusion from Act of matters relating to titles, etc.), after " nothing in this Act " there is inserted " or (as respects paragraph (a) of this subsection) in the Children Act 1975 ".

#### *Adoption and Legitimation*

- 6 (1) In section 26 of the Adoption Act 1958, after subsection (1) there is inserted the following subsection—
- “(1A) Subsection (1) above does not apply to Scotland, and where the natural parents of an illegitimate child, one of whom has adopted him in Scotland, have subsequently married each other, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.”.
- (2) Section 1 of the Legitimation (Scotland) Act 1968, (requirements and effects of legitimation) is renumbered subsection (1) and at the end there is added the following subsection—

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“(2) Subsection (1) above shall apply in relation to an illegitimate person who has been adopted by one of his natural parents as sole adoptive parent, where the adopter thereafter marries the other natural parent, as it applies in relation to any illegitimate person, to the effect of rendering that person the legitimate child of both natural parents; and in this Act " illegitimate ", " legitimated " and cognate expressions shall be construed accordingly.”.

- (3) In section 6(2) of the said Act of 1968, for the words from " of an adoption order " to " 1958 " there are substituted the words " (under this section or otherwise) of any adoption order within the meaning of Schedule 2 to the Children Act 1975, in consequence of the marriage of the parents of the adopted person to each other " .

#### *Interpretation*

- 7 In this Schedule, " adoption order " means—
- (a) an adoption order as denned in section 107 ;
  - (b) an adoption order under the 1958 Act or the Adoption Act 1950 or any enactment repealed by the Adoption Act 1950 ;
  - (c) an order effecting an adoption made in Northern Ireland, the Isle of Man or any of the Channel Islands ;
  - (d) an " overseas adoption " as denned in section 4(3) of the Adoption Act 1968 ; or
  - (e) any other adoption recognised by the law of Scotland ;
- (whether the order took effect before or after the commencement of this Act); and cognate expressions shall be construed accordingly.

### SCHEDULE 3

Section 108.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Children and Young Persons Act 1933 (23 and 24 Geo. 5 c. 12)*

- 1 In section 1(1)(b), for the words " one hundred pounds " there are substituted the words " £400 " .

##### *Children and Young Persons (Scotland) Act 1937 (c. 37)*

- 2 In section 12(1)(b) for the words " twenty-five pounds " there is substituted " £400 " .

##### *Education Act 1944 (c. 31)*

- 3 In section 106, the following subsection is substituted for subsection (4)—
- “(4) In this section ' guardian ' means the person having legal custody of the child or young person, as denned by section 86 of the Children Act 1975.”

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

- 4 In section 3(8) for the words " twenty pounds " and " two months " there are substituted respectively the words " £400 " and " three months " .

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- 5 In section 4—
- (a) in subsection (3)(a) after the words " parent or guardian " there are inserted the words " or custodian ";
  - (b) for subsection (3)(b) there is substituted—
    - “(b) in the case of a resolution passed by virtue of paragraph (b), (c) or (d) of subsection (1) of the said section 2, by the person who, but for the resolution, would have the parental rights and duties in relation to the child.”.
- 6 In section 43(1), for the words " and the Adoption Act 1968 " there are substituted the words " the Adoption Act 1968 and the Children Act 1975 ".

*Marriage Act 1949 (c. 76)*

- 7 In section 3(1), after the words " shall be required " there are inserted the words " unless the infant is subject to a custodianship order, when the consent of the custodian and, where the custodian is the husband or wife of a parent of the infant, of that parent shall be required ".
- 8 In Part I of Schedule 1—
- (a) after " Mother" there is inserted " Adoptive mother or former adoptive mother ";
  - (b) after " Daughter " there is inserted " Adoptive daughter or former adoptive daughter ";
  - (c) after " Father " there is inserted " Adoptive father or former adoptive father ";
  - (d) after " Son" there is inserted " Adoptive son or former adoptive son ".
- 9 In Schedule 2 in paragraph 2(b) after the words " deceased parent" there are inserted the words " or by the court under section 3 of the Guardianship of Minors Act 1971 ".

*Maintenance Orders Act 1950 (c. 37)*

- 10 In section 15, after the words " Maintenance Orders (Reciprocal Enforcement) Act 1972 " there are inserted the words " or sections 33 to 45 of the Children Act 1975 ".
- 11 In section 16(2)(a), after sub-paragraph (v) there are inserted the following sub-paragraphs—
- “(vi) section 4 of the Affiliation Proceedings Act 1957 on an application made under section 45 of the Children Act 1975 ;
  - (vii) section 34(1)(b) of the Children Act 1975 ;”.

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

- 12 In section 56(1) (meaning of " domestic proceedings "), the following paragraph is inserted after paragraph (e)—
- “(f) under the Adoption Act 1958 or Part I or II of the Children Act 1975”,
- and there are added at the end the following words " or proceedings on an information ".

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*Births and Deaths Registration Act 1953 (c. 20)*

- 13 (1) For " living new-born child " in each place where it occurs, except sections 6, 7, 8, 34(3) and 36, there is substituted " still-born child ".
- (2) In section 1(2) after paragraph (d) there is added—  
 “(e) in the case of a still-born child found exposed, the person who found the child.”
- (3) In section 14(1)(a) after " section 10" there is inserted " or 10A ".
- (4) In section 30 after subsection (1) there is inserted the following subsection—  
 “(1A) The Registrar General shall cause an index to be made and kept in the General Register Office of the entries in the register kept by him under section 3A of this Act.”
- (5) In section 34—  
 (a) in subsection (2) after paragraph (c) there is added the following paragraph—  
 “(d) in relation to the re-registration of a birth under section 9(5) of this Act ”.
- (b) in subsection (3) after " new-born child " there is inserted " or still-born child ".
- (6) In section 41—  
 (a) after the definition of " disposal " there is inserted the following definition—  
 “' father ', in relation to an adopted child, means the child's natural father ;”;
- (b) after the definition of " the Minister " there is inserted the following definition—  
 “' mother ', in relation to an adopted child, means the child's natural mother ;”.

*Affiliation Proceedings Act 1957 (c. 55)*

- 14 In section 5(2) there is inserted at the end the following paragraph—  
 “(e) section 45 of the Children Act 1975 (which enables the custodian of a child to apply for an affiliation order under this Act within three years after the making of the custodianship order).”.

*Housing Act 1957 (c. 56)*

- 15 In Schedule 2, in paragraph 4(7) for the words " any illegitimate son or daughter, and any adopted son or daughter " there are substituted the words " and any illegitimate son or daughter ".

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

- 16 In section 2, as it applies in England and Wales—  
 (a) in subsection (1), after the word " guardian " there is inserted the word " custodian ";
- (b) in subsection (4A).—

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- (i) for the words "registered adoption society as is referred to in Part II of the Adoption Act 1958 " there are substituted the words " adoption society approved under Part I of the Children Act 1975 " , and
  - (ii) for the words " that Act " there are substituted the words " the Adoption Act 1958 ".
- 17 In section 2 as it applies to Scotland, after subsection (4) there is inserted the following subsection—
- “(4A) A child is not a foster child for the purposes of this Part of this Act while he is placed in the care and possession of a person who proposes to adopt him under arrangements made by such an adoption agency as is referred to in Part I of the Children Act 1975 or while he is a protected child within the meaning of Part IV of the Adoption Act 1958.”
- 18 In section 6 for the words " obtained their consent" there are substituted the words " obtained their written consent ".
- 19 In section 14(2), for the words " one hundred pounds " there are substituted the words " £400 ".
- 20 In section 37(2), for the words " one hundred pounds " there are substituted the words " £400 ".

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

- 21 (1) For "Adoption Rules" in each place where it occurs there is substituted " rules ".
- (2) For "infant" and " infants" in each place where they occur there are respectively substituted " child " and " children ".
- (3) For "registered adoption society" in each place where it occurs there is substituted " approved adoption society ".
- (4) For " care and possession " in each place where it occurs there is substituted " actual custody ".
- 22 In section 9(3), for " this Part of this Act " in each place where it occurs there is substituted " the relevant provisions " , and at the end there is inserted—
- “In this subsection ' the relevant provisions' means this Part, Part III and Part V of this Act and Part I of the Children Act 1975.”
- 23 In section 11(2), for "this Part of this Act" in each place where it occurs there is substituted " the relevant provisions " , and at the end there is inserted—
- “In this subsection ' the relevant provisions ' means this Part and Parts III and V of this Act and Part I of the Children Act 1975.”.
- 24 In section 21(1) for the words from " the form " to the end there is substituted " such form as the Registrar General may by regulations specify ".
- 25 In section 23(1) for the words from " the form " to the end there is substituted " such form as the Registrar General for Scotland may by regulations specify
- 26 In section 26(2) after the words " adoption order" there are inserted the words " other than a Convention adoption order ".

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- 27 In section 32—
- (a) the following subsections are substituted for subsection (1)—
- “(1) The Secretary of State may by regulations prohibit unincorporated bodies from applying for approval under section 4 of the Children Act 1975 (Approval of adoption societies); and he shall not approve any unincorporated body whose application is contrary to regulations made under this subsection.
- (1A) The Secretary of State may make regulations for any purpose relating to the exercise of its functions by an approved adoption society.”;
- (b) in subsection (2), for " (1)" there is substituted " (2) " and for the words from " twenty-five pounds " to the end of the subsection there is substituted the word " £400 ";
- (c) the following subsection is added after subsection (3)—
- “(4) Regulations under this section may make different provisions in relation to different cases or classes of cases and may exclude certain cases or classes of cases.”
- 28 In section 33—
- (a) in subsection (1)—
- (i) for " registered by the authority under this Part of this Act" there is substituted " approved under Part I of the Children Act 1975 ";
- (ii) for " the exercise of" to the end there is substituted " its own information or that of the Secretary of State ";
- (b) in subsection (2), for " by statutory declaration" there is substituted " in a manner specified in the notice ".
- 29 In section 35(6) for the word "six " there is substituted the word " three " and for the words " one hundred pounds " there are substituted the words " £400 ".
- 30 In section 36—
- (a) in subsection (1) for the words " subsection (2) of section 3 of this Act" there are substituted the words " section 18(1) of the Children Act 1975 "; and
- (b) for subsection (3), there is substituted the following—
- “(3) A local authority which receives such notice as aforesaid in respect of a child whom the authority know to be in the care of another local authority shall, not more than seven days after the receipt of the notice, inform that other authority in writing that they have received the notice.”
- 31 In section 37—
- (a) in subsection (1) for the words " subsection (2) of section 3 of this Act" there are substituted the words " section 18(1) of the Children Act 1975 ";
- (b) the following subsections are substituted for subsection (4)—
- “(4) A protected child ceases to be a protected child—
- (a) on the appointment of a guardian for him under the Guardianship of Minors Act 1971 ;

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- (b) on the notification to the local authority for the area where the child has his home that the application for an adoption order has been withdrawn;
- (c) on the making of any of the following orders in respect of the child—
  - (i) an adoption order ;
  - (ii) an order under section 17 of the Children Act 1975 ;
  - (iii) a custodianship order ;
  - (iv) an order under section 42, 43 or 44 of the Matrimonial Causes Act 1973 ; or
- (d) on his attaining the age of 18,  
whichever first occurs.

(4A) In relation to Scotland—

- (a) subsection (4) does not apply ; and
- (b) a protected child ceases to be a protected child when—
  - (i) the application for an adoption order lapses or is withdrawn ;
  - (ii) the application for an adoption order is granted or otherwise determined ;
  - (iii) an order is made awarding custody of the child;
  - (iv) an order is made appointing a guardian of the child ; or
  - (v) the child attains the age of 18.”.

32 In section 40(6) for the words from the beginning to " that is to say" there are substituted the following words " The particulars referred to in subsection (4) of this section are ".

33 In section 44(2), for the word "six " there is substituted the word " three " and for the words " one hundred pounds " there are substituted the words " £400 ".

34 In section 50—

- (a) in subsection (1), in paragraph (b), for " any consent" there is substituted " any agreement or consent ";
- (b) in subsection (2), for the word " six " there is substituted the word " three " and for the words " one hundred pounds " there are substituted the words " £400 ";
- (c) in subsection (3), for " adoption society " there is substituted " approved adoption society ".

35 In section 51(2), for the words "fifty pounds " there is substituted the word " £400 ".

36 In section 52(1)—

- (a) for the words " fifty-three of this Act" there are substituted the words " twenty-five of the Children Act 1975 "; and
- (b) for the word " six " there is substituted the word " three " and for the words " one hundred pounds " there are substituted the words " £400 ".

37 In section 55, after the words "this Act " there are inserted the words " or Part I of the Children Act 1975 ".

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

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38 For section 56 there is substituted the following section—

**“56 Rules and regulations.**

- (1) Any power to make rules or regulations conferred by this Act on the Lord Chancellor, the Secretary of State, the Registrar General or the Registrar General for Scotland shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The Registrar General shall not make regulations under section 20A or 21 of this Act except with the approval of the Secretary of State.
- (3) The Registrar General for Scotland shall not make regulations under section 23 of this Act except with the approval of the Secretary of State.
- (4) The Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made for the purposes of this Act by the Registrar General for Scotland as if the regulations had been made by a Minister of the Crown.”

39 In section 57(1)—

- (a) for the definition of " adoption order " there is substituted " ' adoption order' means an order under section 1 of this Act or section 8(1) of the Children Act 1975 ; ",
- (b) there are inserted after the definition of " adoption society " the words " ' approved adoption society' means an adoption society approved under Part I of the Children Act 1975 ; ",
- (c) after the definition of " body of persons " there are inserted the following definitions—
  - “" child ", except where used to express a relationship, means a person who has not attained the age of 18 ;
  - " Convention adoption order " has the same meaning as in the Children Act 1975 ;”
- (d) for the definition of " guardian" there is substituted
  - “" guardian ' means—
  - (a) a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925 or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be the guardian of the child, and
  - (b) in the case of an illegitimate child, includes the father where he has custody of the child by virtue of an order under section 9 of the Guardianship of Minors Act 1971, or under section 2 of the Illegitimate Children (Scotland) Act 1930 ;”
- (e) after the definition of " relative" there is inserted the following definition—
  - “" voluntary organisation " means a body other than a public or local authority the activities of which are not carried on for profit.”

40 After section 57(1) there is inserted—

- “(1A) In this Act, in relation to Scotland, unless the context otherwise requires " actual custody" means care and possession.”.



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*County Courts Act 1959 (c. 22)*

- 41 In section 109(2) the following paragraph is inserted after paragraph (g)—  
“(h) any proceedings under the Guardianship of Minors Acts 1971 and 1973 or the Children Act 1975.”

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

- 42 In section 49(1), for the words "twenty pounds" there are substituted the words "£100".

*Perpetuities and Accumulations Act 1964 (c. 55)*

- 43 In section 4, the following subsection is inserted at the end—  
“(7) For the avoidance of doubt it is hereby declared that a question arising under section 3 of this Act or subsection (1)(a) above of whether a disposition would be void apart from this section is to be determined as if subsection (6) above had been a separate section of this Act.”

*Adoption Act 1964 (c. 57)*

- 44 In section 1, the following subsection is substituted for subsection (5)—  
“(5) Section 8(3) and (4) of, and paragraph 11 of Schedule 1 and paragraph 3 of Schedule 2 to, the Children Act 1975 apply in relation to a child who is the subject of an order which is similar to an order under section 25 of that Act and is made (whether before or after this subsection has effect) in Northern Ireland, the Isle of Man or any of the Channel Islands, as they apply in relation to a child who is the subject of an adoption order.”
- 45 In section 3(3)—  
(a) for the words " section 53 of the said Act of 1958 " there are substituted the words " section 25 of the Children Act 1975 ";  
(b) for the words from " the word ' Provisionally'" to the end of the subsection there are substituted the words " the words ' Proposed Foreign Adoption' or, as the case may require, ' Proposed Foreign Re-adoption' followed by the name, in brackets, of the country in which the order was made. "

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

- 46 For section 64(3)(a) there is substituted—  
“(a) ' the relevant enactments' means—  
(i) Parts III and IV of the Children and Young Persons Act 1933,  
(ii) the National Health Service Act 1946,  
(iii) Part III of the National Assistance Act 1948,  
(iv) the Children Act 1948,  
(v) the Adoption Act 1958,  
(vi) the Children Act 1958,  
(vii) section 9 of the Mental Health Act 1959,

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- (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (ix) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (x) the Children and Young Persons Act 1963, except Part II and section 56,
- (xi) this Act,
- (xii) the Adoption Act 1968,
- (xiii) section 7(4) of the Family Law Reform Act 1969,
- (xiv) the Children and Young Persons Act 1969, except so far as it relates to any voluntary home designated as mentioned in section 39(1) of that Act as a controlled or assisted community home,
- (xv) section 43 of the Matrimonial Causes Act 1973,
- (xvi) the National Health Service Reorganisation Act 1973,
- (xvii) the Children Act 1975.”

47 For section 65(3)(b) there is substituted—

“(b) ‘the relevant enactments’ means—

- (i) Parts III and IV of the Children and Young Persons Act 1933,
- (ii) Part III of the National Health Service Act 1946,
- (iii) Part III of the National Assistance Act 1948,
- (iv) the Children Act 1948,
- (v) the Adoption Act 1958,
- (vi) section 3 of the Disabled Persons (Employment) Act 1958,
- (vii) the Children Act 1958,
- (viii) section 9 of the Mental Health Act 1959,
- (ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (x) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (xi) the Children and Young Persons Act 1963, except Part II and section 56,
- (xii) this Act,
- (xiii) the Adoption Act 1968,
- (xiv) section 7(4) of the Family Law Reform Act 1969,
- (xv) the Children and Young Persons Act 1969,
- (xvi) section 43 of the Matrimonial Causes Act 1973,
- (xvii) the National Health Service Reorganisation Act 1973,
- (xviii) the Children Act 1975.”

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

48 In section 2(2) (functions of the social work committee), the following paragraph is inserted after paragraph (g)—

“(h) the Children Act 1975.”.

49 For section 5(2) there is substituted—

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- “(2) The Secretary of State may make regulations in relation to—
- (a) the performance of the functions assigned to local authorities by this Act;
  - (b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes ;
  - (c) the performance of the functions referred to social work committees under section 2(2)(b) to (e) and (h) of this Act;
  - (d) the performance of the functions transferred to local authorities by section 1(4)(a) of this Act.”.
- 50 In section 6(1)(b), after sub-paragraph (ii) there is inserted the following sub-paragraph—
- “(iii) a child who has been placed for adoption by an adoption agency (within the meaning of section 1 of the Children Act 1975);”.
- 51 In section 10—
- (a) in subsection (1), for the words from " with his functions " to the end there is substituted " with—
    - “(a) his functions ;
    - (b) the functions of local authorities,under this Act or under the enactments specified in paragraph (a) of section 1(4) and paragraphs (b) to (e) and (h) of section 2(2) of this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.”;
  - (b) after subsection (3) there is inserted—

“(3A) In subsection (3) above, " voluntary organisation the sole or primary object of which is to promote social welfare" includes an adoption society approved under Part I of the Children Act 1975.”.
- 52 In section 17—
- (a) in subsection (3), for " section 16 " there is substituted " section 16(1)(a) " and after " local authority" there is inserted " , in whom are vested in accordance with the resolution the parental rights and powers in respect of a child, " ;
  - (b) the following subsection is inserted after subsection (3)—

“(3A) A resolution under section 16(1)(b) of this Act shall not prevent the voluntary organisation, in whom are vested in accordance with the resolution the parental rights and powers in respect of a child, from allowing, either for a fixed period or until the voluntary organisation otherwise determine, the care of the child to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appears to the voluntary organisation to be for the benefit of the child.”;
  - (c) in subsection (4), for " section 16" there is substituted " section 16(1)(a) ";
  - (d) in subsection (6), for the words " the said section 16 " there is substituted " section 16 of this Act ";
  - (e) in subsection (7), after the words " local authority " there are inserted the words " or a voluntary organisation ";

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- (f) in subsection (8)—
    - (i) for the words " to whom this section applies " there is substituted " , in respect of whom a resolution under section 16 of this Act is in effect, "; and
    - (ii) for the words " fifty pounds" there is substituted " £400 ";
  - (g) in subsection (9)—
    - (i) for the words " where a local authority have, in accordance with subsection (3) of this section, allowed " there is substituted—
      - “Where—
      - (a) a local authority have, in accordance with subsection (3) of this section ; or
      - (b) a voluntary organisation have, in accordance with subsection (3A) of this section,
 allowed”;
    - (ii) for the words " fifty pounds " there is substituted " £400 ".
- 53 In section 18—
- (a) in subsection (2), for " section 16 " there is substituted " section 16(1)(a) " ;
  - (b) in subsection (3)—
    - (i) in paragraph (a), for " paragraph (a)" there is substituted " sub-paragraph (i) ";
    - (ii) for paragraph (b) there is substituted " (b) in the case of a resolution passed by virtue of circumstances specified in sub-paragraph (ii), (iii), or (iv) of subsection (1) of the said section 16, by the person who, but for the resolution, would have the parental rights and powers in relation to the child, ";
    - (iii) after the words " otherwise direct, the local authority" there are inserted the words " , and any voluntary organisation having parental rights and powers with respect to the child, ";
  - (c) in subsection (4), after the words "local authority" there are inserted the words " or voluntary organisation ".
- 54 In section 32(2)—
- (a) for paragraphs (b) and (c) there is substituted—
    - “(b) he is falling into bad associations or is exposed to moral danger; or
    - (c) lack of parental care is likely to cause him unnecessary suffering or seriously to impair his health or development; or”;
  - (b) in paragraph (d), for the words " Children and Young Persons (Scotland) Act 1937 " there is substituted " Criminal Procedure (Scotland) Act 1975 ";
  - (c) after paragraph (d) there is inserted—
    - “(dd) the child is, or is likely to become, a member of the same household as a person who has committed any of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1975 ; or”.
- 55 In section 35(5)(a) at the end there is inserted " and to such other persons as may be prescribed ; ".
- 56 In section 44(5), after " 20 ", there is inserted " 20A. ".

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57 In section 49(3) for the words " The sheriff may examine the reporter and " there is substituted—

“The reporter, whether or not he is conducting the proceedings before the sheriff, may be examined by the sheriff; and the sheriff may examine”.

58 In section 69—

(a) in subsection (1), at the end there are added the following words—

“; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.

(b) for subsection (5) there is substituted—

“(5) In this and the next following section any reference—

(a) to a child absconding includes a reference to his being unlawfully taken away;

(b) to a child absconding from a place or from the control of a person includes a reference to his absconding while being taken to, or awaiting being taken to, that place or that person as the case may be.”.

59 In section 70, at the end there are added the following words—

“; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.

60 In section 71, for the words " one hundred pounds " there is substituted " £400 ".

#### *Adoption Act 1968 (c. 53)*

61 In section 8(2)—

(a) for the words "form set out in Schedule 1 to the Act of 1958, as modified by this subsection " there are substituted the words " form specified for the purposes of this subsection in regulations made by the Registrar General under section 21 of the Act of 1958 "; and

(b) the words from " and for the purposes" to the end are repealed.

62 In section 8(5)—

(a) for paragraph (b) there is substituted—

“(b) for the references to section 21 of the Act of 1958 there shall be substituted references to section 23 of that Act;”;

(b) paragraph (c) is repealed ;

(c) for paragraph (d) there is substituted—

“(c) in subsection (4), for the reference to section 14 of the Births and Deaths Registration Act 1953 there shall be substituted a reference to section 20(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (which provides for re-registration of births in certain cases).”

63 In section 9(5), for the words "a specified order or an overseas adoption" there are substituted the words "or a specified order".

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- 64 In section 11(1)—
- (a) for the definition of "adoption order" there is substituted the following definition—
- “"adoption order" means an order made under section 8 of the Children Act 1975 as a Convention adoption order;”;
- (b) in the definition of "specified order" for the words "section 1 of this Act" there are substituted the words "sections 8(1) and 24 of the Children Act 1975".
- 65 In section 12(2), for the words from "made by virtue of" to "any of those provisions)" there are substituted the words "containing rules made by the Lord Chancellor under subsection (1) of this section".

*Housing Act 1969 (c. 33)*

- 66 In section 86(2) for the words "any illegitimate son or daughter and any adopted son or daughter" there are substituted the words "and any illegitimate son or daughter".

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

- 67 In section 1(2) the following paragraph is inserted after paragraph (b)—
- “(bb) it is probable that the conditions set out in paragraph (a) of this subsection will be satisfied in his case, having regard to the fact that a person who has been convicted of an offence mentioned in Schedule 1 to the Act of 1933 is, or may become, a member of the same household as the child ;”.
- 68 The following section is inserted after section 11—

**“11A Local authority functions under certain supervision orders.**

The Secretary of State may make regulations with respect to the exercise by a local authority of their functions in a case where a person has been placed under their supervision by an order made under section 1(3)(b) or 21(2) of this Act.”

- 69 In section 21—
- (a) the following subsection is inserted after subsection (2)—
- “(2A) A juvenile court shall not make an order under subsection (2) of this section in the case of a person who has not attained the age of 18 and appears to the court to be in need of care or control unless the court is satisfied that, whether through the making of a supervision order or otherwise, he will receive that care or control.”;
- (b) in subsection (3) for "the preceding subsection" there is substituted "subsection (2) of this section".

- 70 The following section is inserted after section 21—

**“21A Termination of care order on adoption, etc.**

A care order relating to a child shall cease to have effect—

- (a) on the adoption of the child ;

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- (b) if an order under section 14 or section 25 of the Children Act 1975 is made in relation to the child ;
- (c) if an order similar to an order under section 25 of the Children Act 1975 is made in Northern Ireland, the Isle of Man or any of the Channel Islands in relation to the child.”

71 In section 27—

- (a) in subsection (3), for the words "their general duty aforesaid" there are substituted the words "their general duty under section 12(1) of the Children Act 1948" ;
- (b) the following subsections are substituted for subsection (4)—
  - “(4) Without prejudice to their general duty under the said section 12, it shall be the duty of a local authority to review the case of each child in their care in accordance with regulations made under the following subsection.
  - (5) The Secretary of State may by regulations make provision as to—
    - (a) the manner in which cases are to be reviewed under this section ;
    - (b) the consideration to which the local authority are to have regard in reviewing cases under this section ; and
    - (c) the time when a child's case is first to be reviewed and the frequency of subsequent reviews under this section. ”

72 In section 58(1), the following paragraph is inserted after paragraph (b)—

- “(bb) premises in which a child is living with a person other than his parent, guardian, relative or custodian, with whom he has been placed by an adoption agency (within the meaning of section 1 of the Children Act 1975);”.

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

73 (1) In Schedule 1—

- (a) after "Appellate Business" there is inserted the following paragraph—

“Proceedings on appeal under section 4A of the Children Act 1948 ;”;
- (b) at the end there is inserted the following paragraph—

“Proceedings on appeal under the Children Act 1975”.

(2) In Schedule 8—

- (a) in paragraph 5, after the words " Social Security Act 1966 " there are inserted the words " or section 45 of the Children Act 1975 ";
- (b) after paragraph 11, there is inserted the following paragraph—

“12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”.

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

74 In Schedule 1—

- (a) at the end of the entry relating to the Adoption Act 1958 there are added the following words " Counselling services for adopted persons ";

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(b) the following is inserted at the end—

“*Children Act 1975 (c. 72)*

Part I

Maintenance of Adoption Service; function of local authority as adoption agency; applications for orders freeing children for adoption; inquiries carried out by local authorities in adoption cases.

Part II

Application by local authority for revocation of custodianship order; inquiries carried out by local authority in custodianship cases.”

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

75 (1) In section 9—

- (a) in subsection (2) for "any person (whether or not one of the parents) " there is substituted " one of the parents " and the words " or either of the parents " are repealed;
- (b) in subsection (3), the proviso is repealed ;
- (c) in subsection (4), the words from " or (before or after the death of either parent)" to the end are repealed;
- (d) the following subsections are inserted after subsection (4)—

“(5) An order shall not be made under subsection (1) of this section giving custody to a person other than the mother or father.

(6) An order shall not be made under subsection (1) of this section at any time when the minor is free for adoption (within the meaning of section 12(6) of the Children Act 1975)”.

(2) In section 13(2), after the words "order for the payment of money" there are inserted the words " made by a magistrates' court ".

(3) In section 16—

- (a) in subsection (1) for " the High Court shall" there is substituted " the High Court may ";
- (b) in subsection (4) for "the magistrates' court may" there is substituted " the magistrates' court shall ";
- (c) in subsection (5), for the words from " section 9 " to " so given" there are substituted the words " section 3(3) or 4(3 A) of the Guardianship Act 1973 for the discharge or variation of a supervision order or, as the case may be, an order giving the care of a minor to a local authority or an order requiring payments to be made to an authority to whom care of a minor is so given ".

*Attachment of Earnings Act 1971 (c. 32)*

76 In Schedule 1—

- (a) in paragraph 6, after the words " Social Security Act 1966 " there are inserted the words " or section 45 of the Children Act 1975 ";



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(b) after paragraph 11, there is inserted the following paragraph—

“12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”

*Parliamentary and Other Pensions Act 1972 (c. 48)*

77 In section 15(6), for the words " a stepchild or adopted child " there are substituted the words " or a stepchild ".

*Matrimonial Causes Act 1973 (c. 18)*

78 In section 44(1), for the words " custody of any person " there are substituted the words " care of any person ".

79 In section 50(1), at the end of paragraph (e) there are inserted the following words—

“or

(f) proceedings to which section 100(7)(d) of the Children Act 1975 applies (certain applications for revocation and variation of custodianship etc. orders);”.

*Guardianship Act 1973 (c. 29)*

80 (1) In section 4(3) for the words from " the following provisions " to the end there are substituted the following words " sections 12(2) and 13 of the Guardianship of Minors Act 1971 shall apply as if the order made under section 2 of this Act were an order under section 9 of the Guardianship of Minors Act 1971. "

(2) After section 4(3) there is inserted the following subsection—

“(3A) An order under section 2(2)(b) or (3) above relating to a minor may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under the Guardianship of Minors Act 1971 or on the application of the local authority to whose care the minor was committed by the order under section 2(2)(b).”

81 In section 6(1), for " section 9 of the Guardianship of Minors Act 1971 or section " there is substituted " section 5 or 9 of the Guardianship of Minors Act 1971 or section 1(3) or ".

*Legal Aid Act 1974 (c. 4)*

82 In Schedule 1—

(a) for paragraph 3(d), there is substituted—

“(d) proceedings in which the making of an order under Part I of the Children Act 1975 is opposed by any party to the proceedings;”;

(b) the following paragraphs are inserted after paragraph 3(e)—

“(f) proceedings under Part II of the Children Act 1975 ;

(g) proceedings under section 63(2) of the Children Act 1975”.

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

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*Housing Act 1974 (c. 44)*

- 83 In section 129(4), for the words " any illegitimate son or daughter and any adopted son or daughter" there are substituted the words " and any illegitimate son or daughter ".

SCHEDULE 4

Section 108.

FURTHER REPEALS

**PART I**

STATUS OF ADOPTED CHILD

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 29.	Adoption of Children Act 1926.	The whole Act so far as unrepealed.
3 & 4 Geo. 6. c. 42.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	Section 2(1) and (3).
11 & 12 Geo. 6. c. 43.	Children Act 1948.	In section 59(1), in the definition of " parent ", paragraph (a).
11 & 12 Geo. 6. c. 53.	Nurseries and Child-Minders Regulation Act 1948.	In section 13(2), in the definition of " relative" (as inserted by section 13 of the Adoption of Children Act 1949), paragraph (a).
12 & 13 Geo. 6. c. 76.	Marriage Act 1949.	In section 68(3), the words from " includes " to " but ".
12, 13 & 14 Geo. 6. c. 98.	Adoption of Children Act 1949.	Section 13(1)(a).
14 & 15 Geo. 6. c. 11.	Administration of Justice (Pensions) Act 1950.	Section 26(2).
1 & 2 Eliz. 2. c. 20.	Births and Deaths Registration Act 1953.	In section 41, in the definition of " relative " the words from " and in relation to " to the end.
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 150(5), in the paragraph relating to a child of a person, the words " or adopted " and the words from

The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

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

Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	" and in this paragraph " to the end of the paragraph. In section 15(5), in the paragraph relating to a child of a person, the words " or adopted " and the words from " and in this paragraph " to the end of the paragraph.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In section 28(4), in paragraph (a) the words from " has been adopted" to "a girl who " and the words " (and has not been so adopted)".
4 & 5 Eliz. 2. c. 70.	Marriage (Scotland) Act 1956.	In section 1(5), paragraph (a) and the words " or adoptive parent " in paragraph (b).
6 & 7 Eliz. 2. c. 65.	Children Act 1958.	In section 17, the definition of " parent".
6 & 7 Eliz. 2. c. 40.	Matrimonial Proceedings (Children) Act 1958.	In section 7(1)(b), the words " or an adopted ".
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 7(3). Sections 13 and 14. Section 15(1), (2) and (3). Sections 16 and 17. Section 18(1). Section 25. In section 52(1) the words " (whether in law or in fact) " In section 57(1), in the definition of "relative" paragraph (a). Section 58(2) and (3). In Schedule 5, paragraphs 1 to 4.
7 & 8 Eliz. 2. c. 65.	Fatal Accidents Act 1959.	In section 1, subsection (2)(a) and subsection (3).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In section 49, in subsection (2) the words from " an adopted person

The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

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

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 48.	Matrimonial Proceedings (Magistrates Courts) Act 1960.	" to " as aforesaid ", and subsection (5). In section 16(1), the words " or adopted " and " but does not include a child adopted by some other person or persons ", and the words from " and' adopted' " to the end.
8 & 9 Eliz. 2. c. 59.	Adoption Act 1960.	Section 1(2).
8 & 9 Eliz. 2. c. 61.	Mental Health (Scotland) Act 1960.	In section 45, in subsection (2) the words from " adopted person" to "person; and"; and subsection (5).
1964 c. 57.	Adoption Act 1964.	Section 1(1), (2) and (4).
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 56(1), in the definition of " relative " the words from " and in relation to " to the end.
1965 c. 53.	Family Allowances Act 1965.	Section 17(4).
1967 c. 29.	Housing Subsidies Act 1967.	In section 24(3)(c), the word " adopted ".
1967 c. 81.	Companies Act 1967.	In section 30(2), the words " and adopted son" and " and adopted daughter ". In section 31(5), the words " and adopted son" and " and adopted daughter ".
1967 c. 88.	Leasehold Reform Act 1967.	In section 7(7), the words " and any adopted son or daughter". In section 18(3), the words "and any adopted son or daughter".
1968 c. 49.	Social Work (Scotland) Act 1968.	In section 94(1), in the definition of " parent", paragraph (a).
1968 c. 53.	Adoption Act 1968.	Section 4(1) and (2). Section 10(2) and (3).

The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

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

Chapter	Short Title	Extent of Repeal
1968 c. 71.	Race Relations Act 1968.	In section 7(4) the words " and any adopted son or daughter".
1971 c. 56.	Pensions (Increase) Act 1971.	In section 3(7), the words from " and includes " to the end.
1973 c. 16.	Education Act 1973.	In section 3(5), the words from " and a child " to the end.
1973 c. 18.	Matrimonial Causes Act 1973.	In section 52(1), the definition of " adopted" and, in the definition of " child", the words " or adopted ".
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	In section 4(5), the words from " and in its application " to the end.
1975 c. 14.	Social Security Act 1975.	In section 32(3)(c), the words " the same relationship by adoption and to include also "  In section 71(b), the words "and a parent by adoption "  In section 161(2), the words " a son or daughter by adoption and "  In Schedule 20, in the definition of " relative " the words " or adoption ".
1975 c. 61.	Child Benefit Act 1975.	Section 24(3)(c).

The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

## PART II

### LEGITIMATION

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5 c. 60.	Legitimacy Act 1926.	Section 1(3). Sections 3 to 5.

These repeals have effect subject to paragraph 12(9) of Schedule 1.

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

Chapter	Short Title	Extent of Repeal
1969 c. 46.	Family Law Reform Act 1969.	<p>In section 8(2), the words from " and to the taking " to " of a legitimated person ".</p> <p>In section 11, the definitions of " disposition ", " intestate " and " entailed interest ".</p> <p>Section 14(8).</p> <p>Section 15(4) and (6).</p>

These repeals have effect subject to paragraph 12(9) of Schedule 1.

### PART III

#### MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5 c. 12.	Children and Young Persons Act 1933.	<p>In section 1, in subsection (1) (a), the words " not exceeding one hundred pounds ", and in subsection (5), the words from " the maximum " to " pounds, and ".</p>
1937 c. 37.	Children and Young Persons (Scotland) Act 1937.	<p>In section 12, in subsection (1)(a), the words " not exceeding one hundred pounds ", and in subsection (5)(a) the words from " the maximum " to " pounds, and ".</p>
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	<p>In section 4(2), the words from " (either " to " brought up) ".</p> <p>Section 7(1)(b) and (2).</p> <p>Section 21(3).</p> <p>In section 20(4), the words from " pursuant to " to " in force ".</p> <p>Section 49.</p> <p>In section 57(1) the definition of " infant ".</p> <p>Schedules 1 and 2.</p>

These repeals take effect on 1st January 1976.

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

Chapter	Short Title	Extent of Repeal
1963 c. 37.	Children and Young Persons Act 1963.	Section 54.
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	Section 54(1)(d).
1968 c. 22.	Legitimation (Scotland) Act 1968.	In section 6(3), the words " or to subsection (1) of that section ".
1968 c. 53.	Adoption Act 1968.	Sections 1 to 3. In section 9(5), the words " or adoption " . In section 11(1), the definitions of " qualified infant", " qualified person" and " qualified spouses " . In section 12(1), the words " or under Part I of the Act of 1958 in its application to adoption orders and proposed adoption orders ", the words " or the said Part I " in both places where they occur and the words from "and the rules " to the end. In section 14(3), the words from " except the" to " 1958 and " .
1969 c. 54.	Children and Young Persons Act 1969.	Section 27(2).
1973 c. 29.	Guardianship Act 1973.	Section 3(5).

These repeals take effect on 1st January 1976.

#### PART IV

##### ADOPTION ORDERS

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Sections 1 and 2. Sections 4 and 5. Section 7(1)(a) and (c) and (3).

These repeals take effect on the date section 8(1) comes into force.

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

Chapter	Short Title	Extent of Repeal
1966 c. 19.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1966.	Section 9(1) and (5). Section 10. Section 11(1) and (3). Section 12. Section 21(2). Section 4.
1971 c. 3.	Guardianship of Minors Act 1971.	Section 16(2).

These repeals take effect on the date section 8(1) comes into force.

## PART V

### CHILDREN IN CARE OF LOCAL AUTHORITIES

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 43.	Children Act 1948.	Section 3(1) and (2).
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 15(4) and (5).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In Schedule 7, the entry relating to the Children Act 1948.
1963 c. 37.	Children and Young Persons Act 1963.	Section 48.
1968 c. 49.	Social Work (Scotland) Act 1968.	Section 17(1) and (2). In section 18(4) the words " but where on such an application the court appoints a guardian the resolution shall cease to have effect".
1971 c. 3.	Guardianship of Minors Act 1971.	In section 5(2) the words from " but where " to the end.

These repeals take effect on the date sections 57 and 74 come into force.



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

## PART VI

### REGISTRATION OF BIRTHS

Chapter	Short Title	Extent of Repeal
1953 c. 20.	Births and Deaths Registration Act 1953.	<p>In section 3, the words " and of any person in whose charge the child may be placed " and the proviso.</p> <p>In section 6, the words " or finding" and in that section and in section 7 the words " or from the date when any living new-born child is found exposed ".</p> <p>In section 8, the words " or, in the case of a living newborn child found exposed, from the date of the finding".</p> <p>In section 36(a), the words " or any living new born child ".</p>
1969 c. 46.	Family Law Reform Act 1969.	Section 27(2), (3), (4) and (5).

These repeals take effect on the date section 92 comes into force.

## PART VII

### ADOPTION AGENCIES

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	<p>Section 28(2).</p> <p>Sections 30 and 31.</p> <p>In section 32(3) the words from " children " to the end.</p> <p>In section 57(1) the definitions of " charitable association " and " registered adoption society ".</p> <p>Schedule 3.</p>
1970 c. 42.	Local Authority Social Services Act 1970.	In column 2 of Schedule 1, the words " Making etc. arrangements for

These repeals take effect on the date section 4 comes into force.

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

Chapter	Short Title	Extent of Repeal
		the adoption of children; regulation of adoption societies."

These repeals take effect on the date section 4 comes into force.

### PART VIII

#### ADOPTION: EVIDENCE OF AGREEMENT & GUARDIANS AD LITEM

Chapter	Short Title	Extent of Repeal
<a href="#">7 &amp; 8 Eliz. 2. c. 5.</a>	Adoption Act 1958.	Section 6. Section 9(7) and (8). Section 11(4) and (5).

These repeals take effect on the date section 20 comes into force.

### PART IX

#### INQUIRIES ETC. BY ADOPTION AGENCIES

Chapter	Short Title	Extent of Repeal
<a href="#">7 &amp; 8 Eliz. 2. c. 5.</a>	Adoption Act 1958.	Section 3. Section 8. Section 53. In section 57(1), the definition of " Compulsory School age ".

These repeals take effect on the date section 18 comes into force.

### PART X

#### GRANTS ETC. FOR VOLUNTARY ORGANISATIONS

Chapter	Short Title	Extent of Repeal
<a href="#">10 &amp; 11 Geo. 6 c. 43.</a>	Children Act 1948.	Section 45(2). Section 46.
<a href="#">1969 c. 54.</a>	Children and Young Persons Act 1969.	Section 65(2).

These repeals take effect on the date paragraphs 46 and 47 of Schedule 3 come into force.

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

## PART XI

### PROTECTED CHILDREN

Chapter	Short Title	Extent of Repeal
<a href="#">7 &amp; 8 Eliz. 2. c. 5.</a>	Adoption Act 1958.	<p>In section 37(1), paragraph (a), the words " of the person first mentioned in paragraph (a) of this subsection or, as the case may be," and the words " but is not a foster child within the meaning of Part I of the Children Act 1958 ".</p> <p>Section 37(2) and (5).</p> <p>Section 40(1), (2) and (3).</p> <p>Sections 41 and 42.</p> <p>In section 43(1), the words from " or in contravention " to " of this Act".</p>

These repeals take effect on the date paragraph 31 of Schedule 3 comes into force.

## PART XII

### CUSTODIANSHIP

Chapter	Short Title	Extent of Repeal
<a href="#">1973 c. 29.</a>	Guardianship Act 1973.	<p>In section 2, in subsection (2) (b), the words " or to any other individual" and in subsection (4)(a) the words " or to any person given the custody of the minor ".</p> <p>In section 3(3), the words from " or (before " to " section 9(1) of that Act" and the words from " and section 16(5)" to the end.</p>

These repeals take effect on the date section 33 comes into force.