



Adoption Act 1976

1976 CHAPTER 36

PART I

THE ADOPTION SERVICE

The Adoption Service

1 Establishment of Adoption Service.

- (1) It is the duty of every local authority to establish and maintain within their area a service designed to meet the needs, in relation to adoption, of—
- (a) children who have been or may be adopted,
 - (b) parents and guardians of such children, and
 - (c) persons who have adopted or may adopt a child,
- and for that purpose to provide the requisite facilities, or secure that they are provided by [^{F1}appropriate voluntary organisations].
- (2) The facilities to be provided as part of the service maintained under subsection (1) include—
- (a) temporary board and lodging where needed by pregnant women, mothers or children;
 - (b) arrangements for assessing children and prospective adopters, and placing children for adoption;
 - (c) counselling for persons with problems relating to adoption.
- (3) The facilities of the service maintained under subsection (1) shall be provided in conjunction with the local authority's other social services and with [^{F2}appropriate voluntary organisations] in their area, so that help may be given in a co-ordinated manner without duplication, omission or avoidable delay.

^{F3}[(3A) In this Part, references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the British Islands.]

Status: Point in time view as at 01/04/2004.

Changes to legislation: Adoption Act 1976, Part I is up to date with all changes known to be in force on or before 10 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) The services maintained by local authorities under subsection (1) may be collectively referred to as “the Adoption Service”, and a local authority or [^{F4}appropriate voluntary organisation] may be referred to as an adoption agency.

[^{F5}(5) In this Act “appropriate voluntary organisation” means a voluntary organisation which is an adoption society in respect of which a person is registered under Part II of the Care Standards Act 2000.]

Textual Amendments

- F1** Words in s. 1(1) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 4 para. 5(2)(a)**; S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)
- F2** Words in s. 1(3) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 4 para. 5(2)(a)**; S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)
- F3** S. 1(3A) inserted (30.4.2001) by 1999 c. 18, s. 9; S.I. 2001/1279, art. 2
- F4** Words in s. 1(4) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 4 para. 5(2)(a)**; S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)
- F5** S. 1(5) inserted (30.1.2003 for W., 24.2.2003 for E. for specified purposes, 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 4 para. 5(2)(b)**; S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)

Modifications etc. (not altering text)

- C1** S. 1(1) extended (10.3.2003 for E. for specified purposes, 6.10.2003 for E. in so far as not already in force) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 4 para. 3(1)** (with Sch. 4 paras. 6-8); S.I. 2003/366, art. 2(2)(a),(6)(a)

2 Local authorities’ social services.

The social services referred to in section 1(3) are the functions of a local authority which [^{F6}are social services functions within the meaning of Local Authority Social Services Act 1970], including, in particular but without prejudice to the generality of the foregoing, a local authority’s functions

[^{F7}(a) under the Children Act 1989, relating to family assistance orders, local authority support for children and families, care and supervision and emergency protection of children, community homes, voluntary homes and organisations, [^{F8}private] children’s homes, private arrangements for fostering children, child minding and day care for young children and children accommodated by [^{F9}Health Authorities, Special Health Authorities][^{F10}Primary Care Trusts][^{F11}National Health Service trusts] and local education authorities or in [^{F8}care homes, independent hospitals or schools]; and

(b) under the National Health Service Act 1977, relating to the provision of care for expectant and nursing mothers.]

Textual Amendments

- F6** Words in s. 2 substituted (26.10.2000 for E. and 28.7.2001 for W.) by 2000 c. 22, ss. 107, 108(4), **Sch. 5 para. 16**; S.I. 2000/2849, art. 2

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- F7** S. 2(a)(b) substituted (14.10.1991) for words in s. 2 by Children Act 1989 (c. 41, SIF 20), s. 88, **Sch. 10 para. 1** (with Sch. 14 para. 1(1)); S.I.1991/828, **art.3(2)**
- F8** Words in s. 2(a) substituted (1.4.2002) by 2000 c. 14, s. 116, Sch. 4 para. 5(3); S.I. 2001/4150, art. 3(3) (a) (subject to transitional provisions in art. 4 and S.I. 2002/1493, art. 4); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10)) (subject to transitional provisions in Schs. 1-3)
- F9** Words in s. 2 substituted (1.4.1996) by 1995 c. 17, s. 2(1), **Sch. 1 Pt. III para. 101** (with Sch. 2 paras. 6, 16)
- F10** Words in s. 2(a) inserted (8.2.2000) by S.I. 2000/90, **art. 3 Sch. 1 para. 12**
- F11** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 17**

Adoption societies

^{F12}3 **Approval of adoption societies.**

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Textual Amendments

- F12** S. 3 repealed (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 6** (with Sch. 5 para. 2); S.I. 2003/152, art. 2(1)(e)(ii) (with art. 3); S.I. 2003/365, art. 3(5)(c)

4 Withdrawal of approval.

^{F13}(1)

^{F13}(2)

- (3) [^{F14}Where, by virtue of the cancellation of the registration of any person under Part II of the Care Standards Act 2000, a body has ceased to be an appropriate voluntary organisation] the Secretary of State may direct the body ^{F15}... to make such arrangements as to children who are in its care and other transitional matters as seem to him expedient.

Textual Amendments

- F13** S. 4(1)(2) repealed (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 6**; S.I. 2003/152, art. 2(1)(e)(ii); S.I. 2003/365, art. 3(5)(c)
- F14** Words in s. 4(3) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 4 para. 5(4)**; S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)
- F15** Word in s. 4(3) repealed (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, **Sch. 6**; S.I. 2003/152, art. 2(1)(e)(ii); S.I. 2003/365, art. 3(5)(c)

Modifications etc. (not altering text)

- C2** S. 4: transfer of functions (W) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Status: Point in time view as at 01/04/2004.

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F16⁵ Procedure on refusal to approve, or withdrawal of approval from, adoption societies.

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Textual Amendments

F16 S. 5 repealed (30.1.2003 for W., 30.4.2003 in so far as not already in force) by [Care Standards Act 2000 \(c. 14\)](#), s. 122, [Sch. 6](#); S.I. 2003/152, art. 2(1)(e)(ii); S.I. 2003/365, art. 3(5)(c)

Welfare of children

6 Duty to promote welfare of child.

In reaching any decision relating to the adoption of a child a court or adoption agency shall have regard to all the circumstances, first consideration being given to the need to safeguard and promote the welfare of the child throughout his childhood; and shall so far as practicable ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.

7 Religious upbringing of adopted child.

An adoption agency shall in placing a child for adoption have regard (so far as is practicable) to any wishes of a child's parents and guardians as to the religious upbringing of the child.

Supplemental

8 Inactive or defunct adoption societies.

- (1) If it appears to the Secretary of State that [^{F17}a body which is or has been an appropriate voluntary organisation], is inactive or defunct he may, in relation to any child who is or was in the care of the [^{F18}organisation], direct what appears to him to be the appropriate local authority to take any such action as might have been taken by the [^{F18}organisation] or by the [^{F18}organisation] jointly with the authority; and if apart from this section the authority would not be entitled to take that action, or would not be entitled to take it without joining the [^{F18}organisation] in the action, it shall be entitled to do so.
- (2) Before giving a direction under subsection (1) the Secretary of State shall, if practicable, consult both the [^{F18}organisation] and the authority.

Textual Amendments

F17 Words in s. 8(1) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by [Care Standards Act 2000 \(c. 14\)](#), s. 122, [Sch. 4 para. 5\(5\)\(a\)](#); S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)

F18 Words in s. 8 substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by [Care Standards Act 2000 \(c. 14\)](#), s. 122, [Sch. 4 para. 5\(5\)\(b\)](#); S.I. 2003/152, art. 2(1)(d); S.I. 2003/365, art. 3(5)(c)

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Modifications etc. (not altering text)

C3 S. 8: transfer of functions (W) (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

9 Regulation of adoption agencies.

^{F19}(1)

(2) The [^{F20}appropriate Minister] may make regulations for any purpose relating to the exercise of its functions by [^{F21}an appropriate voluntary organisation].

[^{F22}(2A) The power under subsection (2) includes in particular power to make in relation to an appropriate voluntary organisation any provision which regulations under section 22(2) or (7) of the Care Standards Act 2000 (regulation of establishments and agencies) may make in relation to a fostering agency (within the meaning of that Act).]

(3) The [^{F20}appropriate Minister] may make regulations with respect to the exercise by local authorities of their functions of making or participating in arrangements for the adoption of children.

[^{F23}(3A) The power under subsection (3) includes in particular power to make in relation to the functions there mentioned any provision which regulations under section 48 of the Care Standards Act 2000 (regulation of the exercise of relevant fostering functions) may make in relation to relevant fostering functions (within the meaning of Part III of that Act).]

(4) Any person who contravenes or fails to comply with regulations made under subsection (2) [^{F24}or (3)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F25}level 5 on the standard scale].

[^{F26}(5) In this section and section 9A, “ the appropriate Minister ” means—

- (a) in relation to England, the Secretary of State,
- (b) in relation to Wales, the National Assembly for Wales,

and in relation to England and Wales, means the Secretary of State and the Assembly acting jointly.]

Textual Amendments

F19 S. 9(1) repealed (30.1.2003 for W., 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 122, Sch. 6; S.I. 2003/152, art. 2(1)(e)(ii); S.I. 2003/365, art. 3(5)(c)

F20 Words in s. 9(2)(3) substituted (3.2.2003) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 4 para. 4(1)(a) (with Sch. 4 paras. 6-8); S.I. 2003/288, art. 2(b); S.I. 2003/288, art. 2(b)

F21 Words in s. 9(2) substituted (1.7.2001 for W., 24.2.2003 for E. for specified purposes, 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), s. 116, s. 122, Sch. 4 para. 5(6)(a); S.I. 2001/2190, art. 2, Sch.; S.I. 2003/365, art. 3(2)(a)(ii) (with Sch.); S.I. 2003/365, art. 3(5)(c)

F22 S. 9(2A) inserted (1.7.2001 for W., 24.2.2003 for E. for specified purposes, 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), ss. 116, 122, Sch. 4 para. 5(6)(b); S.I. 2001/2190, art. 2, Sch.; S.I. 2003/365, art. 3(2)(a)(ii) (with Sch.); S.I. 2003/365, art. 3(5)(c)

F23 S. 9(3A) inserted (1.7.2001 for W., 24.2.2003 for E. for specified purposes, 30.4.2003 in so far as not already in force) by Care Standards Act 2000 (c. 14), ss. 116, 122, Sch. 4 para. 5(6)(c); S.I. 2001/2190, art. 2, Sch.; S.I. 2003/365, art. 3(2)(a)(ii) (with Sch.); S.I. 2003/365, art. 3(5)(c)

F24 Words in s. 9(4) inserted (1.7.2001 for W. and otherwise *prosp.*) by 2000 c. 14, ss. 116, 122, Sch. 4 para. 5(6)(d); S.I. 2001/2190, art. 2, Sch.

F25 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

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F26 S. 9(5) inserted (3.2.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 4 para. 4\(1\)\(b\)](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2003/288](#), art. 2(b)

Modifications etc. (not altering text)

C4 S. 9: transfer of functions (W) (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

[^{F27}9A Independent review of determinations

- (1) Regulations under section 9 may establish a procedure under which any person in respect of whom a qualifying determination has been made by an adoption agency may apply to a panel constituted by the appropriate Minister for a review of that determination.
- (2) The regulations must make provision as to the description of determinations which are qualifying determinations for the purposes of subsection (1).
- (3) The regulations may include provision as to—
 - (a) the duties and powers of a panel (including the power to recover the costs of a review from the adoption agency by which the determination reviewed was made),
 - (b) the administration and procedures of a panel,
 - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment),
 - (d) the payment of expenses of members of a panel,
 - (e) the duties of adoption agencies in connection with reviews conducted under the regulations,
 - (f) the monitoring of any such reviews.
- (4) The appropriate Minister may make an arrangement with an organisation under which functions in relation to the panel are performed by the organisation on his behalf.
- (5) If the appropriate Minister makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any general or special directions given by the appropriate Minister.
- (6) The arrangement may include provision for payments to be made to the organisation by the appropriate Minister.
- (7) Where the appropriate Minister is the National Assembly for Wales, subsections (4) and (6) also apply as if references to an organisation included references to the Secretary of State.
- (8) In this section, “ organisation ” includes a public body and a private or voluntary organisation.]

Textual Amendments

F27 S. 9A inserted (1.12.2003 for E. for specified purposes, 7.2.2004 for W., 1.4.2004 for E. in so far as not already in force) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 4 para. 5](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2003/3079](#), art. 2(2)(c)(4)(a); [S.I. 2004/252](#), art. 2(d)

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10 F28

Textual Amendments

F28 S. 10 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), ss. 9, 30, Sch. 2 para. 30, **Sch. 10 Pt. I**

11 Restriction on arranging adoptions and placing of children.

(1) A person other than an adoption agency shall not make arrangements for the adoption of a child, or place a child for adoption, unless—

- (a) the proposed adopter is a relative of the child, or
- (b) he is acting in pursuance of an order of the High Court.

[^{F29}(2) An adoption society which is—

- (a) approved as respects Scotland under section 3 of the Adoption (Scotland) Act ^{M1}1978; or
- (b) registered as respects Northern Ireland under Article 4 of the Adoption (Northern Ireland) Order ^{M2}1987,

but which is not [^{F30}an appropriate voluntary organisation], shall not act as an adoption society in England and Wales except to the extent that the society considers it necessary to do so in the interests of a person mentioned in section 1 of the Act of 1978 or Article 3 of the Order of 1987.]

(3) A person who—

- (a) takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of children and which is not an adoption agency; or
- (b) contravenes subsection (1); or
- (c) receives a child placed with him in contravention of subsection (1),

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [^{F31}level 5 on the standard scale] or to both.

(4) In any proceedings for an offence under paragraph (a) of subsection (3), proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of children on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

^{F32}(5)

Textual Amendments

F29 S. 11(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 88, **Sch. 10 para.2** (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**

F30 Words in s. 11(2) substituted (30.1.2003 for W., 30.4.2003 in so far as not already in force) by [Care Standards Act 2000 \(c. 14\)](#), s. 122, **Sch. 4 para. 5(7)(a)**; S.I. 2003/152, art. 2(1)(d), S.I. 2003/365, art. 3(5)(c)

F31 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

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F32 S. 11(5) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#),s. 108(7) Sch.15 (with Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), **art. 3(2)**

Marginal Citations

M1 [1978 c.28\(49:11\)](#).

M2 [S.I. 1987/2203 \(N.I. 22\)](#).

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