



Adoption Act 1976

1976 CHAPTER 36

PART I

THE ADOPTION SERVICE

Supplemental

8 Inactive or defunct adoption societies.

- (1) If it appears to the Secretary of State that [^{F1}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 [^{F2}organisation], direct what appears to him to be the appropriate local authority to take any such action as might have been taken by the [^{F2}organisation] or by the [^{F2}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 [^{F2}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 [^{F2}organisation] and the authority.

Textual Amendments

- F1** 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)
- F2** 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)

Modifications etc. (not altering text)

- C1** S. 8: transfer of functions (W) (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

Status: Point in time view as at 30/04/2003.

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9 Regulation of adoption agencies.

^{F3}(1)

(2) The [^{F4}appropriate Minister] may make regulations for any purpose relating to the exercise of its functions by [^{F5}an appropriate voluntary organisation].

[^{F6}(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 [^{F4}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.

[^{F7}(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) [^{F8}or (3)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F9}level 5 on the standard scale].

[^{F10}(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

- F3** 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\(5\)\(c\)](#)
- F4** 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)
- F5** 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\(5\)\(c\)](#)
- F6** 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\(5\)\(c\)](#)
- F7** 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\(5\)\(c\)](#)
- F8** 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.](#)
- F9** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48\)](#), SIF 39:1, ss. 38, 46
- F10** 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)

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Modifications etc. (not altering text)

C2 S. 9: transfer of functions (W) (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

10 ^{F11}

Textual Amendments

F11 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. 1

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.

[^{F12}(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 [^{F13}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 [^{F14}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.

^{F15}(5)

Textual Amendments

F12 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)

Status: Point in time view as at 30/04/2003.

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- F13** 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)
- F14** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F15** 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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