



Adoption Act 1976

1976 CHAPTER 36

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

57 Prohibition on certain payments

- (1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—
 - (a) the adoption by that person of a child ;
 - (b) the grant by that person of any agreement or consent required in connection with the adoption of a child;
 - (c) the transfer by that person of the actual custody of a child with a view to the adoption of the child; or
 - (d) the making by that person of any arrangements for the adoption of a child.
- (2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, 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 £400 or to both; and the court may order any child in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.
- (3) This section does not apply to any payment made to an adoption agency by a parent or guardian of a child or by a person who adopts or proposes to adopt a child, being a payment in respect of expenses reasonably incurred by the agency in connection with the adoption of the child, or to any payment or reward authorised by the court to which an application for an adoption order in respect of a child is made.
- (4) If an adoption agency submits to the Secretary of State a scheme for the payment by the agency of allowances to persons who have adopted or intend to adopt a child where arrangements for the adoption were made, or are to be made, by that agency, and the

Status: This is the original version (as it was originally enacted).

Secretary of State approves the scheme, this section shall not apply to any payment made in accordance with the scheme.

- (5) The Secretary of State, in the case of a scheme approved by him under subsection (4), may at any time—
 - (a) make, or approve the making by the agency of, alterations to the scheme;
 - (b) revoke the scheme.
- (6) The Secretary of State shall, within seven years of the date on which section 32 of the Children Act 1975 came into force and, thereafter, every five years, publish a report on the operation of the schemes since that date or since the publication of the last report.
- (7) Subject to the following subsection, subsection (4) of this section shall expire on the seventh anniversary of the date on which section 32 of the Children Act 1975 came into force.
- (8) The Secretary of State may by order made by statutory instrument at any time before the said anniversary repeal subsection (7) of this section.
- (9) An order under subsection (8) of this section shall not be made unless a report has been published under subsection (6) of this section.
- (10) Notwithstanding the expiry of subsection (4) of this section or the revocation of a scheme approved under this section, subsection (1) of this section shall not apply in relation to any payment made, whether before or after the expiry of subsection (4) or the revocation of the scheme, in accordance with a scheme which was approved under this section to a person to whom such payments were made—
 - (a) where the scheme was not revoked, before the expiry of subsection (4), or
 - (b) if the scheme was revoked, before the date of its revocation.