



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 3

#### PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

##### *Placement and adoption: general*

#### **52 Parental etc. consent**

- (1) The court cannot dispense with the consent of any parent or guardian of a child to the child being placed for adoption or to the making of an adoption order in respect of the child unless the court is satisfied that—
  - (a) the parent or guardian cannot be found or [<sup>F1</sup>lacks capacity (within the meaning of the Mental Capacity Act 2005) to give consent], or
  - (b) the welfare of the child requires the consent to be dispensed with.
- (2) The following provisions apply to references in this Chapter to any parent or guardian of a child giving or withdrawing—
  - (a) consent to the placement of a child for adoption, or
  - (b) consent to the making of an adoption order (including a future adoption order).
- (3) Any consent given by the mother to the making of an adoption order is ineffective if it is given less than six weeks after the child's birth.
- (4) The withdrawal of any consent to the placement of a child for adoption, or of any consent given under section 20, is ineffective if it is given after an application for an adoption order is made.

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- (5) “Consent” means consent given unconditionally and with full understanding of what is involved; but a person may consent to adoption without knowing the identity of the persons in whose favour the order will be made.
- (6) “Parent” (except in subsections (9) and (10) below) means a parent having parental responsibility.
- (7) Consent under section 19 or 20 must be given in the form prescribed by rules, and the rules may prescribe forms in which a person giving consent under any other provision of this Part may do so (if he wishes).
- (8) Consent given under section 19 or 20 must be withdrawn—
- (a) in the form prescribed by rules, or
  - (b) by notice given to the agency.
- (9) Subsection (10) applies if—
- (a) an agency has placed a child for adoption under section 19 in pursuance of consent given by a parent of the child, and
  - (b) at a later time, the other parent of the child acquires parental responsibility for the child.
- (10) The other parent is to be treated as having at that time given consent in accordance with this section in the same terms as those in which the first parent gave consent.

#### Textual Amendments

- F1** Words in s. 52(1)(a) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 45** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)

#### Modifications etc. (not altering text)

- C1** S. 52(1)-(4) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), **11(1)(p)**, 52, 55

#### Commencement Information

- II** S. 52 in force at 30.12.2005 by [S.I. 2005/2213](#), art. 2(c) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

### 53 Modification of 1989 Act [<sup>F2</sup>and 2014 Act] in relation to adoption

- (1) Where—
- (a) a local authority are authorised to place a child for adoption, or
  - (b) a child who has been placed for adoption by a local authority is less than six weeks old,
- regulations may provide for the following provisions <sup>F3</sup>... to apply with modifications, or not to apply, in relation to the child.

- [<sup>F4</sup>(2) The provisions are—
- (a) section 22(4)(b), (c) and (d) and (5)(b) of the 1989 Act (duty to ascertain wishes and feelings of certain persons);
  - (b) sections 6(4)(b) and 78(3)(a) of the 2014 Act (duty to ascertain wishes and feelings of certain persons);

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- (c) paragraphs 15 and 21 of Schedule 2 to the 1989 Act (promoting contact with parents and parents’ obligations to contribute towards maintenance);
  - (d) section 95 of and paragraph 1 of Schedule 1 to the 2014 Act (promoting contact with parents and parents’ obligations to contribute towards maintenance).]
- (3) Where a registered adoption society is authorised to place a child for adoption or a child who has been placed for adoption by a registered adoption society is less than six weeks old, regulations may provide—
- (a) for section 61 of [<sup>F5</sup>the 1989 Act] to have effect in relation to the child whether or not he is accommodated by or on behalf of the society,
  - (b) for subsections (2)(b) to (d) and (3)(b) of that section (duty to ascertain wishes and feelings of certain persons) to apply with modifications, or not to apply, in relation to the child.
- (4) Where a child’s home is with persons who have given notice of intention to adopt, no contribution is payable (whether under a contribution order or otherwise) under Part 3 of Schedule 2 to [<sup>F6</sup>the 1989 Act (contributions towards maintenance of children looked after by local authorities) or under Schedule 1 to the 2014 Act (contributions towards maintenance of looked after children)] in respect of the period referred to in subsection (5).
- (5) That period begins when the notice of intention to adopt is given and ends if—
- (a) the period of four months beginning with the giving of the notice expires without the prospective adopters applying for an adoption order, or
  - (b) an application for such an order is withdrawn or refused.
- (6) In this section, “notice of intention to adopt” includes notice of intention to apply for a Scottish or Northern Irish adoption order.

#### Textual Amendments

- F2** Words in s. 53 heading inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **197(e)**
- F3** Words in s. 53(1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **197(a)**
- F4** S. 53(2) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **197(b)**
- F5** Words in s. 53(3)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **197(c)**
- F6** Words in s. 53(4) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **197(d)**

#### Modifications etc. (not altering text)

- C2** S. 53(5) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), **11(1)(q)**, 52, 55

#### Commencement Information

- I2** S. 53(1)-(3) in force at 7.2.2004 for W. by [S.I. 2004/252](#), **art. 2(b)**
- I3** S. 53(1)-(3) in force at 7.12.2004 for E. by [S.I. 2004/3203](#), **art. 2(1)(h)**
- I4** S. 53(4)-(6) in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(c)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

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## 54 Disclosing information during adoption process

Regulations under section 9 may require adoption agencies in prescribed circumstances to disclose in accordance with the regulations prescribed information to prospective adopters.

### Commencement Information

- I5** S. 54 in force at 7.2.2004 for W. by [S.I. 2004/252](#), **art. 2(b)**  
**I6** S. 54 in force at 7.12.2004 for E. by [S.I. 2004/3203](#), **art. 2(1)(i)**

## 55 Revocation of adoptions on legitimation

- (1) Where any child adopted by one natural parent as sole adoptive parent subsequently becomes a legitimated person on the marriage of<sup>F7</sup>, or formation of a civil partnership by,<sup>]</sup> the natural parents, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke the order.

<sup>F8</sup>(2) .....

### Textual Amendments

- F7** Words in s. 55(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 24**  
**F8** S. 55(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 153**; [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### Commencement Information

- I7** S. 55 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(c)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))