Adoption and Children Act 2002

2002 CHAPTER 38

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Advertisements in the United Kingdom

123 Restriction on advertisements etc.

(1) A person must not—

(a) publish or distribute an advertisement or information to which this section applies, or

(b) cause such an advertisement or information to be published or distributed.

(2) This section applies to an advertisement indicating that—

(a) the parent or guardian of a child wants the child to be adopted,

(b) a person wants to adopt a child,

(c) a person other than an adoption agency is willing to take any step mentioned in paragraphs (a) to (e), (g) and (h) and (so far as relating to those paragraphs) (i) of section 92(2),

(d) a person other than an adoption agency is willing to receive a child handed over to him with a view to the child's adoption by him or another, or

(e) a person is willing to remove a child from the United Kingdom for the purposes of adoption.

(3) This section applies to—

(a) information about how to do anything which, if done, would constitute an offence under section 85 or 93, [F1]... Article 11 or 58 of the Adoption (Northern

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22) **[**[F2]or section 60 or 75 of the Adoption and Children (Scotland) Act 2007 (asp 4)**]**) **[**[F3]or section 60 or 75 of the Adoption and Children (Scotland) Act 2007 (asp 4)**]** (whether or not the information includes a warning that doing the thing in question may constitute an offence),

(b) information about a particular child as a child available for adoption.

(4) For the purposes of this section and section 124—

(a) publishing or distributing an advertisement or information means publishing it or distributing it to the public and includes doing so by electronic means (for example, by means of the internet),

(b) the public includes selected members of the public as well as the public generally or any section of the public.

(5) Subsection (1) does not apply to publication or distribution by or on behalf of an adoption agency.

(6) The Secretary of State may by order make any amendments of this section which he considers necessary or expedient in consequence of any developments in technology relating to publishing or distributing advertisements or other information by electronic or electro-magnetic means.

(7) References to an adoption agency in this section include a prescribed person outside the United Kingdom exercising functions corresponding to those of an adoption agency, if the functions are being exercised in prescribed circumstances.

"Prescribed" means prescribed by regulations made by the Secretary of State.

(8) Before exercising the power conferred by subsection (6) or (7), the Secretary of State must consult the Scottish Ministers, the Department of Health, Social Services and Public Safety and the Assembly.

(9) In this section—

(a) "adoption agency" includes a Scottish or Northern Irish adoption agency,

(b) references to adoption are to the adoption of persons, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the British Islands.

Textual Amendments

F1 Words in s. 123(3) repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) repealed (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

F2 Words in s. 123(3)(a) inserted (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 para. 5**

F3 Words in s. 123(3)(a) inserted (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 2 para. 12**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

Modifications etc. (not altering text)

C1 S. 123 modified (E.W.) (30.12.2005) by The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005 (S.I. 2005/3222), regs. 1(1), **3-5**

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

Commencement Information

I1 S. 123 in force at 30.12.2005 by S.I. 2005/2213, **art. 2(l)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

124 Offence of breaching restriction under section 123

(1) A person who contravenes section 123(1) is guilty of an offence.

(2) A person is not guilty of an offence under this section unless it is proved that he knew or had reason to suspect that section 123 applied to the advertisement or information.

But this subsection only applies if sufficient evidence is adduced to raise an issue as to whether the person had the knowledge or reason mentioned.

(3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

Modifications etc. (not altering text)

C2 S. 124 modified (E.W.) (30.12.2005) by The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005 (S.I. 2005/3222), regs. 1(1), **3-5**

C3 S. 124(2) excluded (30.12.2005) by The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005 (S.I. 2005/3222), regs. 1(1), **11**

Commencement Information

I2 S. 124 in force at 30.12.2005 by S.I. 2005/2213, **art. 2(l)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Adoption and Children Act Register

VALID FROM 25/07/2014

125 Adoption and Children Act Register

[[F4](1) **[**[F5]The Secretary of State may**]** establish and maintain a register, to be called the Adoption and Children Act Register, containing—

(a) prescribed information about children who are suitable for adoption**[**[F6], children for whom a local authority in England are considering adoption**]** and prospective adopters who are suitable to adopt a child,

(b) prescribed information about persons included in the register in pursuance of paragraph (a) in respect of things occurring after their inclusion.

[[F7](1A) Regulations may provide that the register may contain—

(a) prescribed information about children who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable for adoption,

(b) prescribed information about prospective adopters who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable to adopt a child,

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

(c) prescribed information about persons included in the register in pursuance of paragraph (a) or (b) in respect of things occurring after their inclusion.**]**

(2) For the purpose of giving assistance in finding persons with whom children may be placed for purposes other than adoption, **[**[F8]regulations**]** may—

(a) provide for the register to contain information about such persons and the children who may be placed with them, and

(b) apply any of the other provisions of this group of sections (that is, this section and sections 126 to 131), with or without modifications.

(3) The register is not to be open to public inspection or search **[**[F9](subject to regulations under section 128A)**]**.

(4) **[**[F10]Regulations**]** may make provision about the retention of information in the register.

(5) Information is to be kept in the register in any form the Secretary of State considers appropriate.**]**

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F5 Words in s. 125(1) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 2(2)**; S.I. 2014/889, art. 5(f)

F6 Words in s. 125(1)(a) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 7(2)(a)**, 139(6); S.I. 2014/889, art. 5(b)

F7 S. 125(1A) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 2(3)**; S.I. 2014/889, art. 5(f)

F8 Word in s. 125(2) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 2(4)**; S.I. 2014/889, art. 5(f)

F9 Words in s. 125(3) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 7(2)(b)**, 139(6); S.I. 2014/889, art. 5(b)

F10 Word in s. 125(4) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 2(5)**; S.I. 2014/889, art. 5(f)

VALID FROM 25/07/2014

126 Use of an organisation to establish the register

[[F4](1) The Secretary of State may make an arrangement with an organisation under which any function of his [F11]... of establishing and maintaining the register, and disclosing information entered in, or compiled from information entered in, the register to any person is performed wholly or partly by the organisation on his behalf.

(2) The arrangement may include provision for payments to be made to the organisation by the Secretary of State.

(3) If the Secretary of State makes an arrangement under this section with an organisation, the organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State and the directions may be of general application[F12]... or be special directions.

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

[F13](4) . . . . . .

(5) References in this group of sections to the registration organisation are to any organisation for the time being performing functions in respect of the register by virtue of arrangements under this section.]

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F11 Words in s. 126(1) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 3(2)**; S.I. 2014/889, art. 5(f)

F12 Words in s. 126(3) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 3(3)**; S.I. 2014/889, art. 5(f)

F13 S. 126(4) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 3(4)**; S.I. 2014/889, art. 5(f)

VALID FROM 25/07/2014

127 Use of an organisation as agency for payments

[[F4](1) [[F14]Regulations] may authorise an organisation with which an arrangement is made under section 126 to act as agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.

(2) The organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State; and the directions may be of general application[F15]... or be special directions.

[F16](3) . . . . . .]

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F14 Word in s. 127(1) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 4(2)**; S.I. 2014/889, art. 5(f)

F15 Words in s. 127(2) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 4(3)**; S.I. 2014/889, art. 5(f)

F16 S. 127(3) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 4(4)**; S.I. 2014/889, art. 5(f)

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

VALID FROM 25/07/2014

128 Supply of information for the register

[F4(1) [F17Regulations] may require adoption agencies to give prescribed information to the Secretary of State or the registration organisation for entry in the register.

(2) Information is to be given to the Secretary of State or the registration organisation when required by [F18regulations] and in the prescribed form and manner.

(3) [F19Regulations] may require an agency giving information which is entered on the register to pay a prescribed fee to the Secretary of State or the registration organisation.

(4) But an adoption agency is not to disclose any information to the Secretary of State or the registration organisation—

(a) about prospective adopters who are suitable to adopt a child, or persons who were included in the register as such prospective adopters, without their consent,

(b) about children suitable for adoption [F20or for whom a local authority in England are considering adoption], or persons who were included in the register as such children, without the consent of the prescribed person.

(5) Consent under subsection (4) is to be given in the prescribed form.]

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F17 Word in s. 128(1) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 5(2)**; S.I. 2014/889, art. 5(f)

F18 Word in s. 128(2) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 5(3)**; S.I. 2014/889, art. 5(f)

F19 Word in s. 128(3) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 5(4)**; S.I. 2014/889, art. 5(f)

F20 Words in s. 128(4)(b) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 7(3)**, 139(6); S.I. 2014/889, art. 5(b)

[F21128A Search and inspection of the register by prospective adopters

[F4(1) Regulations may make provision enabling prospective adopters who are suitable to adopt a child to search and inspect the register, for the purposes of assisting them to find a child for whom they would be appropriate adopters.

(2) Regulations under subsection (1) may make provision enabling prospective adopters to search and inspect only prescribed parts of the register, or prescribed content on the register.

(3) Access to the register for the purpose of searching and inspecting it may be granted on any prescribed terms and conditions.

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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) Regulations may prescribe the steps to be taken by prospective adopters in respect of information received by them as a result of searching or inspecting the register.

(5) Regulations may make provision requiring prospective adopters, in prescribed circumstances, to pay a prescribed fee to the Secretary of State or the registration organisation in respect of searching or inspecting the register.

(6) On the occasion of the first exercise of the power to make regulations under this section—

(a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and

(b) accordingly section 140(2) does not apply to the instrument.**]]**

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F21 S. 128A inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 7(4)**, 139(6); S.I. 2014/889, art. 5(b)

VALID FROM 25/07/2014

129 Disclosure of information

[[F4](1) Information entered in the register, or compiled from information entered in the register, may only be disclosed under subsection (2)**[**[F22], (2A) or (3) or section 128A**]**.

(2) Prescribed information entered in the register may be disclosed by the Secretary of State or the registration organisation—

(a) where an adoption agency is acting on behalf of a child who is suitable for adoption **[**[F23]or for whom a local authority in England is considering adoption**]**, to the agency to assist in finding prospective adopters with whom it would be appropriate for the child to be placed,

(b) where an adoption agency is acting on behalf of prospective adopters who are suitable to adopt a child, to the agency to assist in finding a child appropriate for adoption by them.

[[F24](2A) Regulations may make provision permitting the disclosure of prescribed information entered in the register, or compiled from information entered in the register—

(a) to an adoption agency or to a Welsh, Scottish or Northern Irish adoption agency for any prescribed purpose, or

(b) for the purpose of enabling the information to be entered in a register which is maintained in respect of Wales, Scotland or Northern Ireland and which contains information about children who are suitable for adoption or prospective adopters who are suitable to adopt a child.**]**

(3) Prescribed information entered in the register, or compiled from information entered in the register, may be disclosed by the Secretary of State or the registration organisation to any prescribed person for use for statistical or research purposes, or for other prescribed purposes.

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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) **[**[F25]Regulations**]** may prescribe the steps to be taken by adoption agencies in respect of information received by them by virtue of subsection (2) **[**[F26]or (2A)**]**.

(5) Subsection (1) does not apply —

(a) to a disclosure of information with the authority of the Secretary of State,[F27]...

[F27](b) . . . . . .

(6) Information disclosed to any person under subsection (2)**[**[F28], (2A)**]** or (3) may be given on any prescribed terms or conditions.

(7) **[**[F29]Regulations**]** may, in prescribed circumstances, require a prescribed fee to be paid to the Secretary of State or the registration organisation—

(a) by a prescribed adoption agency in respect of information disclosed under subsection (2) **[**[F30]or (2A)**]**,

[[F31](aa) by a prescribed Welsh, Scottish or Northern Irish adoption agency in respect of information disclosed under subsection (2A),**]** or

(b) by a person **[**[F32]in respect of information disclosed under subsection (2A) or (3)**]**.

(8) If any information entered in the register is disclosed to a person in contravention of subsection (1), the person disclosing it is guilty of an offence.

(9) A person guilty of an offence under subsection (8) is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.**]**

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F22 Words in s. 129(1) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(2)**; S.I. 2014/889, art. 5(f)

F23 Words in s. 129(2)(a) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 7(5)**, 139(6); S.I. 2014/889, art. 5(b)

F24 S. 129(2A) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(3)**; S.I. 2014/889, art. 5(f)

F25 Word in s. 129(4) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(4)(a)**; S.I. 2014/889, art. 5(f)

F26 Words in s. 129(4) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(4)(b)**; S.I. 2014/889, art. 5(f)

F27 S. 129(5)(b) and preceding word omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(5)**; S.I. 2014/889, art. 5(f)

F28 Word in s. 129(6) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(6)**; S.I. 2014/889, art. 5(f)

F29 Word in s. 129(7) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(7)(a)**; S.I. 2014/889, art. 5(f)

F30 Words in s. 129(7)(a) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(7)(b)**; S.I. 2014/889, art. 5(f)

F31 S. 129(7)(aa) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(7)(c)**; S.I. 2014/889, art. 5(f)

F32 Words in s. 129(7)(b) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 6(7)(d)**; S.I. 2014/889, art. 5(f)

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

PROSPECTIVE

[F33]130 Territorial application

. . . . . .

Textual Amendments

F33 S. 130 repealed (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 7**; S.I. 2014/889, art. 5(f)

PROSPECTIVE

131 Supplementary

[[F4](1) In this group of sections—

[[F34](za) adoption agency" means—

(i) a local authority in England,

(ii) a registered adoption society whose principal office is in England,**]**

(a) "organisation" includes a public body and a private or voluntary organisation,

(b) "prescribed" means prescribed by **[**[F35]regulations**]**,

(c) "the register" means the Adoption and Children Act Register,

[[F36](ca) Welsh adoption agency" means—

(i) a local authority in Wales,

(ii) a registered adoption society whose principal office is in Wales.**]**

[F37](d) . . . . . .

[F38](e) . . . . . .

(2) For the purposes of this group of sections **[**[F39](except sections 125(1A) and 129(2A))**]** —

(a) a child is suitable for adoption if an adoption agency is satisfied that the child ought to be placed for adoption,

(b) prospective adopters are suitable to adopt a child if an adoption agency is satisfied that they are suitable to have a child placed with them for adoption.

[[F40](2A) For the purposes of sections 125(1A) and 129(2A)—

(a) a child is suitable for adoption if a Welsh, Scottish or Northern Irish adoption agency is satisfied that the child ought to be placed for adoption,

(b) prospective adopters are suitable to adopt a child if a Welsh, Scottish or Northern Irish adoption agency is satisfied that they are suitable to have a child placed with them for adoption.**]**

(3) Nothing authorised or required to be done by virtue of this group of sections constitutes an offence under section 93, 94 or 95.

[F41](4) . . . . . .

[F41](5) . . . . . .

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

[F41](6) . . . . . .

[F41](7) . . . . . .]

Textual Amendments

F4 Ss. 125-131 cease to have effect (S.) (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 11(1)**; S.I. 2014/889, art. 5(f)

F34 S. 131(1)(za) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(2)(a)**; S.I. 2014/889, art. 5(f)

F35 Word in s. 131(1)(b) substituted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(2)(b)**; S.I. 2014/889, art. 5(f)

F36 S. 131(1)(ca) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(2)(c)**; S.I. 2014/889, art. 5(f)

F37 S. 131(1)(d) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(2)(d)**; S.I. 2014/889, art. 5(f)

F38 S. 131(1)(e) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(2)(d)**; S.I. 2014/889, art. 5(f)

F39 Words in s. 131(2) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(3)**; S.I. 2014/889, art. 5(f)

F40 S. 131(2A) inserted (13.5.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(4)**; S.I. 2014/889, art. 5(f)

F41 S. 131(4)-(7) omitted (13.5.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 1 para. 8(5)**; S.I. 2014/889, art. 5(f)

Other miscellaneous provisions

[F42]132 Amendment of Adoption (Scotland) Act 1978: contravention of sections 30 to 36 of this Act

. . . . . .

Textual Amendments

F42 Ss. 132-134 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

PROSPECTIVE

[F42]133 Scottish restriction on bringing children into or out of United Kingdom

. . . . . .

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

Textual Amendments

F42 Ss. 132-134 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

PROSPECTIVE

[F42]134 Amendment of Adoption (Scotland) Act 1978: overseas adoptions

. . . . . .

Textual Amendments

F42 Ss. 132-134 repealed: (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and (E.W.N.I.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

135 Adoption and fostering: criminal records

[[F43](1) Part 5 of the Police Act 1997 (c. 50) (certificates of criminal records) is amended as follows.

(2) In section 113 (criminal record certificates), in subsection (3A), for "his suitability" there is substituted " the suitability of the applicant, or of a person living in the same household as the applicant, to be a foster parent or ".

(3) In section 115 (enhanced criminal record certificates), in subsection (6A), for "his suitability" there is substituted " the suitability of the applicant, or of a person living in the same household as the applicant, to be a foster parent or ".**]**

Textual Amendments

F43 S. 135 repealed (6.4.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 7(f)

Commencement Information

I3 S. 135 in force at 1.6.2003 by S.I. 2003/366, **art. 2(5)(b)**

136 Payment of grants in connection with welfare services

(1) Section 93 of the Local Government Act 2000 (c. 22) (payment of grants for welfare services) is amended as follows.

(2) In subsection (1) (payment of grants by the Secretary of State), for the words from "in providing" to the end there is substituted—

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

"(a) in providing, or contributing to the provision of, such welfare services as may be determined by the Secretary of State, or

(b) in connection with any such welfare services."

(3) In subsection (2) (payment of grants by the Assembly), for the words from "in providing" to the end there is substituted—

"(a) in providing, or contributing to the provision of, such welfare services as may be determined by the Assembly, or

(b) in connection with any such welfare services."

(4) After subsection (6) there is inserted—

"(6A) Before making any determination under subsection (3) or (5) the Secretary of State must obtain the consent of the Treasury."

137 Extension of the Hague Convention to British overseas territories

(1) Her Majesty may by Order in Council provide for giving effect to the Convention in any British overseas territory.

(2) An Order in Council under subsection (1) in respect of any British overseas territory may, in particular, make any provision corresponding to provision which in relation to any part of Great Britain is made by the Adoption (Intercountry Aspects) Act 1999 (c. 18) or may be made by regulations under section 1 of that Act.

(3) The British Nationality Act 1981 (c. 61) is amended as follows.

(4) In section 1 (acquisition of British citizenship by birth or adoption)—

(a) in subsection (5), at the end of paragraph (b) there is inserted " effected under the law of a country or territory outside the United Kingdom ",

(b) at the end of subsection (5A)(b) there is inserted " or in a designated territory ",

(c) in subsection (8), the words following "section 50" are omitted.

(5) In section 15 (acquisition of British overseas territories citizenship)—

(a) after subsection (5) there is inserted—

"(5A) Where—

(a) a minor who is not a British overseas territories citizen is adopted under a Convention adoption,

(b) on the date on which the adoption is effected—

(i) the adopter or, in the case of a joint adoption, one of the adopters is a British overseas territories citizen, and

(ii) the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in a designated territory, and

(c) the Convention adoption is effected under the law of a country or territory outside the designated territory,

the minor shall be a British overseas territories citizen as from that date.",

(b) in subsection (6), after "order" there is inserted " or a Convention adoption ".

(6) In section 50 (interpretation), in subsection (1)—

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

(a) after the definition of "company" there is inserted—

""Convention adoption" means an adoption effected under the law of a country or territory in which the Convention is in force, and certified in pursuance of Article 23(1) of the Convention",

(b) after the definition of "Crown service under the government of the United Kingdom" there is inserted—

""designated territory" means a qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, which is designated by Her Majesty by Order in Council under subsection (14)".

(7) After subsection (13) of that section there is inserted—

"(14) For the purposes of the definition of "designated territory" in subsection (1), an Order in Council may—

(a) designate any qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, if the Convention is in force there, and

(b) make different designations for the purposes of section 1 and section 15;

and, for the purposes of this subsection and the definition of "Convention adoption" in subsection (1), "the Convention" means the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

An Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I4 S. 137 in force at 30.12.2005 by S.I. 2005/2213, **art. 2(m)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

138 Proceedings in Great Britain

Proceedings for an offence by virtue of section 9, 59, 93, 94, 95 or 129—

(a) may not be brought more than six years after the commission of the offence but, subject to that,

(b) may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

In relation to Scotland, "the prosecutor" is to be read as "the procurator fiscal".

Commencement Information

I5 S. 138 in force at 30.12.2005 by S.I. 2005/2213, **art. 2(n)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Status: *Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.*
Changes to legislation: *Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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)*

Amendments etc.

139 Amendments, transitional and transitory provisions, savings and repeals

(1) Schedule 3 (minor and consequential amendments) is to have effect.

(2) Schedule 4 (transitional and transitory provisions and savings) is to have effect.

(3) The enactments set out in Schedule 5 are repealed to the extent specified.

Commencement Information

I6 S. 139 in force at 30.12.2005 for specified purposes by S.S.I. 2005/643, **art. 2(f)**
I7 S. 139(1) in force at 3.2.2003 for specified purposes by S.I. 2003/288, **art. 2(a)**
I8 S. 139(1) in force at 25.2.2003 for specified purposes for E. by S.I. 2003/366, **art. 2(1)(b)**(4)
I9 S. 139(1) in force at 30.4.2003 for specified purposes for E. by S.I. 2003/366, **art. 2(4)(b)-(d)**
I10 S. 139(1) in force at 28.11.2003 for specified purposes by S.I. 2003/3079, **art. 2(1)(b)**(c)
I11 S. 139(1) in force at 1.12.2003 for specified purposes by S.I. 2003/3079, **art. 2(2)(b)**
I12 S. 139(1) in force at 7.12.2004 for specified purposes by S.I. 2004/3203, **art. 2(1)(m)(x)**
I13 S. 139(1) in force at 30.12.2005 for specified purposes for E. by S.I. 2005/2213, **art. 3(l)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)
I14 S. 139(1) in force at 30.12.2005 for specified purposes by S.I. 2005/2213, **art. 2(o)** (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)
I15 S. 139(1) in force at 30.12.2005 for specified purposes for W. by S.I. 2005/3112, **art. 2(g)**
I16 S. 139(2) in force at 3.2.2003 for specified purposes by S.I. 2003/288, **art. 2(b)**
I17 S. 139(2) in force at 25.2.2003 for specified purposes by S.I. 2003/366, **art. 2(1)(c)**
I18 S. 139(2) in force at 10.3.2003 for specified purposes for E. by S.I. 2003/366, **art. 2(2)(a)**
I19 S. 139(2) in force at 1.4.2003 for specified purposes by S.I. 2003/366, **art. 2(3)**
I20 S. 139(2) in force at 1.6.2003 for specified purposes by S.I. 2003/366, **art. 2(5)(c)**
I21 S. 139(2) in force at 6.10.2003 for specified purposes for E. by S.I. 2003/366, **art. 2(6)(a)**
I22 S. 139(2) in force at 1.12.2003 for specified purposes for E. by S.I. 2003/3079, **art. 2(2)(c)**
I23 S. 139(2) in force at 7.2.2004 for specified purposes for W. by S.I. 2004/252, **art. 2(d)**
I24 S. 139(2) in force at 1.4.2004 for specified purposes for E. by S.I. 2003/3079, **art. 2(4)(a)**
I25 S. 139(2) in force at 30.12.2005 for specified purposes by S.I. 2005/2897, **art. 2(a)** (with arts. 3-16)
I26 S. 139(3) in force at 28.11.2003 for specified purposes by S.I. 2003/3079, **art. 2(1)(d)**
I27 S. 139(3) in force at 30.12.2005 for specified purposes by S.I. 2005/2897, **art. 2(b)** (with arts. 3-16)

Status:
Point in time view as at 13/05/2014. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:
Adoption and Children Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 29 July 2024. 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.