Status: Point in time view as at 02/11/2010. This version of this provision has been superseded.
Changes to legislation: Adoption and Children Act 2002, Section 47 is up to date with all changes known to be
in force on or before 02 April 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)

Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

The making of adoption orders

47   Conditions for making adoption orders

(1) An adoption order may not be made if the child has a parent or guardian unless one of the following three conditions is met; but this section is subject to section 52 (parental etc. consent).

(2) The first condition is that, in the case of each parent or guardian of the child, the court is satisfied—

    (a)   that the parent or guardian consents to the making of the adoption order,

    (b)   that the parent or guardian has consented under section 20 (and has not withdrawn the consent) and does not oppose the making of the adoption order, or

    (c)   that the parent's or guardian's consent should be dispensed with.

(3) A parent or guardian may not oppose the making of an adoption order under subsection (2)(b) without the court's leave.

(4) The second condition is that—

    (a)   the child has been placed for adoption by an adoption agency with the prospective adopters in whose favour the order is proposed to be made,

    (b)   either—

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        (i) the child was placed for adoption with the consent of each parent or guardian and the consent of the mother was given when the child was at least six weeks old, or

        (ii) the child was placed for adoption under a placement order, and

    (c)   no parent or guardian opposes the making of the adoption order.

(5) A parent or guardian may not oppose the making of an adoption order under the second condition without the court's leave.

(6) The third condition is that the child is free for adoption by virtue of an order made—

    (a)   in Scotland, under section 18 of the Adoption (Scotland) Act 1978 (c. 28), or

    (b)   in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)).

(7) The court cannot give leave under subsection (3) or (5) unless satisfied that there has been a change in circumstances since the consent of the parent or guardian was given or, as the case may be, the placement order was made.

(8) An adoption order may not be made in relation to a person who is or has been married.

[**F1**(8A) An adoption order may not be made in relation to a person who is or has been a civil partner.]

(9) An adoption order may not be made in relation to a person who has attained the age of 19 years.

Textual Amendments

  F1   S. 47(8A) inserted (30.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 79(3)**, 263(2); S.I. 2005/3175, art. 2(9)

Modifications etc. (not altering text)

  C1   S. 47(1)-(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)(l)**, 52, 55

  C2   S. 47(6) modified (2.11.2010) by The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2469), arts. 1(1), **3**

  C3   S. 47(8)(9) applied (with modifications) (30.12.2005) by The Adoptions with a Foreign Element Regulations 2005 (S.I. 2005/392), regs. 1(1), **11(1)(l)**, 52, 55

Commencement Information

  I1   S. 47 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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