



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Placement and adoption: general

53 Modification of 1989 Act [^{F1} 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 ^{F2}... to apply with modifications, or not to apply, in relation to the child.

[^{F3}(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);
- (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).]

Changes to legislation: Adoption and Children Act 2002, Section 53 is up to date with all changes known to be in force on or before 11 March 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) View outstanding changes

- (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 [^{F4}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 [^{F5}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

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)

- C1** 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

- I1** S. 53(1)-(3) in force at 7.2.2004 for W. by [S.I. 2004/252](#), **art. 2(b)**
- I2** S. 53(1)-(3) in force at 7.12.2004 for E. by [S.I. 2004/3203](#), **art. 2(1)(h)**
- I3** 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)

Changes to legislation:

Adoption and Children Act 2002, Section 53 is up to date with all changes known to be in force on or before 11 March 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.

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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))