



Civil Partnership Act 2004

2004 CHAPTER 33

PART 2

CIVIL PARTNERSHIP: ENGLAND AND WALES

CHAPTER 5

CHILDREN

79 Adoption

- (1) Amend the Adoption and Children Act 2002 (c. 38) as follows.
- (2) In section 21 (placement orders), in subsection (4)(c), after “child marries” insert “, forms a civil partnership”.
- (3) In section 47 (conditions for making adoption orders), after subsection (8) insert—

“(8A) An adoption order may not be made in relation to a person who is or has been a civil partner.”
- (4) In section 51 (adoption by one person), in subsection (1), after “is not married” insert “ or a civil partner ”.
- (5) After section 51(3) insert—

“(3A) An adoption order may be made on the application of one person who has attained the age of 21 years and is a civil partner if the court is satisfied that—

 - (a) the person’s civil partner cannot be found,
 - (b) the civil partners have separated and are living apart, and the separation is likely to be permanent, or
 - (c) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.”

Changes to legislation: Civil Partnership Act 2004, Section 79 is up to date with all changes known to be in force on or before 15 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

- (6) In section 64 (other provision to be made by regulations), in subsection (5) for “or marriage” substitute “, marriage or civil partnership”.
- (7) In section 74(1) (enactments for whose purposes section 67 does not apply), for paragraph (a) substitute—
 - “(a) section 1 of and Schedule 1 to the Marriage Act 1949 or Schedule 1 to the Civil Partnership Act 2004 (prohibited degrees of kindred and affinity),”.
- (8) In section 79 (connections between the register and birth records), in subsection (7)—
 - (a) in paragraph (b), after “intends to be married” insert “ or form a civil partnership ”, and
 - (b) for “the person whom the applicant intends to marry” substitute “ the intended spouse or civil partner ”.
- (9) In section 81 (Adoption Contact Register: supplementary), in subsection (2) for “or marriage” substitute “, marriage or civil partnership”.
- (10) In section 98 (pre-commencement adoptions: information), in subsection (7), in the definition of “relative” for “or marriage” substitute “, marriage or civil partnership”.
- (11) In section 144 (interpretation), in the definition of “relative” in subsection (1), after “by marriage” insert “ or civil partnership ”.
- (12) In section 144(4) (meaning of “couple”), after paragraph (a) insert—
 - “(aa) two people who are civil partners of each other, or”.

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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. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)