
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1792 (C. 52)

CHILDREN AND YOUNG PERSONS

The Children Act 1975 (Commencement No. 5) Order 1981

Made - - - - 14th December 1981

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 108(2) and (8) of the Children Act 1975^(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, extent and interpretation

1.—(1) This order may be cited as the Children Act 1975 (Commencement No. 5) Order 1981.

(2) This order shall not apply to Scotland.

(3) In this order—

“the Act” means the Children Act 1975;

“the 1958 Act” means the Adoption Act 1958^(b).

Day appointed for the coming into force of certain provisions of the Act

2. The provisions of the Act specified in the first column of Schedule 1 to this order and of each of the two Appendices to that Schedule (which relate to the matters specified in the second column thereof) shall come into force on 15th February 1982.

Transitional provisions and adaptations

3. The transitional provisions and adaptations contained in Schedule 2 to this order shall have effect in connection with the provisions brought into force by this order.

Norman Fowler,

Secretary of State for Social Services.

14th December 1981.

^(a) 1975 c. 72.

^(b) 1958 c. 5 (7 & 8 Eliz. 2).

Article 2

SCHEDULE 1

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 15TH FEBRUARY 1982

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 4 Section 5	Approval of adoption societies. Withdrawal of approval.
Section 6	Procedure on refusal to approve, or withdrawal of approval from, societies.
Section 7	Inactive or defunct adoption societies.
Section 28(a), (b) only in so far as it provides for the insertion of section 29(2A) of the 1958 Act, (c)(i) and (d).	Restriction on arranging adoption and placing of children.
Section 32	Payment of allowances to adopters.
Section 60	Transfer of parental rights and duties to voluntary organisations.
Section 61	Duty of local authority to assume parental rights and duties.
Section 62	Effect of resolutions under sections 60 and 61.
Section 63	Appeals by parents etc.

APPENDIX A TO SCHEDULE 1

AMENDMENTS COMING INTO FORCE ON 15TH FEBRUARY 1982

<i>Provision in Schedule 3 to the Act</i>	<i>Enactment amended</i>
Paragraph 21(3)	The 1958 Act.
Paragraph 27(a) & (c)	Section 32 of the 1958 Act.
Paragraph 28	Section 33(1) & (2) of the 1958 Act.
Paragraph 34(c)	Section 50(3) of the 1958 Act.
Paragraph 39(b)	Section 57(1) of the 1958 Act.

APPENDIX B TO SCHEDULE 1
REPEALS COMING INTO FORCE ON 15TH FEBRUARY 1982

<i>Provision in Schedule 4 to the Act</i>	<i>Subject matter</i>
Part VII, except in so far as it relates to the provisions of section 28(2) of the 1958 Act and to the words "Making etc. arrangements for the adoption of children;" in column 2 of Schedule 1 to the Local Authority Social Services Act 1970 (1970 c. 42).	Adoption Agencies.

SCHEDULE 2

Article 3

Transitional Provisions and Adaptations

1. The footnote to Part VII of Schedule 4 to the Act is subject to the following adaptations:—

- (a) after the words "These repeals" there are inserted the words "except in relation to the provisions of section 28(2) of the 1958 Act and to the words "Making etc. arrangements for the adoption of children;" in column 2 of Schedule 1 to the Local Authority Social Services Act 1970 (1970 c. 42)";
- (b) after the words "comes into force." there are added the words "The repeals of section 28(2) of the 1958 Act and of the words "Making etc. arrangements for the adoption of children;" in column 2 of Schedule 1 to the Local Authority Social Services Act 1970 take effect on a date to be appointed by order made under section 108(2)."

2. Until the coming into force of section 1 of the Act, sections 3, 13, 28(a), 29 and 32 of the Act and the 1958 Act are subject to the following adaptation:—

for the words "adoption agency" wherever they occur there are substituted the words "approved adoption society or local authority".

3. Until the coming into force of section 1 of the Act, sections 4(2) and (6) and 5(1) of the Act are adapted so that every reference to making an effective contribution to the Adoption Service has effect as if the reference were to making an effective contribution to the maintenance of services and the provision of facilities as referred to in the said section 1.

4. Until the coming into force of section 14 of the Act, in section 4(3)(a) of the Act the words "including, in particular, its ability to make provision for children who are free for adoption," are omitted.

5. Notwithstanding the bringing into force by this order of section 28(a) of, and paragraph 21(3) of Schedule 3 to, the Act, an adoption society which is immediately before 15th February 1982 an adoption society registered under Part II of the 1958 Act shall be deemed to be an approved adoption society during the period commencing on 15th February 1982 and ending—

- (a) where the adoption society has before 15th August 1982 applied to the Secretary of State for his approval in the manner specified by regulations made under section 4(1) of the Act, on the date specified in the notice given by the Secretary of State in accordance with section 4(2) of the Act or the date of the notice given by him in accordance with section 4(6) of the Act;
- (b) in all other cases, on 15th August 1982.

6. Where an application for an adoption order has been made before 15th February 1982 and is pending on that date, the provisions of section 28(a), (c)(i) and (d) of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with the adoption to which the application relates.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force in England and Wales the provisions of the Children Act 1975 specified in Schedule 1 and its Appendices to the Order, subject to the transitional provisions and adaptations contained in Schedule 2. Among the provisions brought into force by this Order on 15th February 1982 are sections 60 to 63 of the Children Act 1975, which are on that date repealed by virtue of section 90(4) of the Child Care Act 1980 (c. 5) and replaced by sections 64 to 67 of that Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>S.I. No.</i>
S.8 (partially)	1976/1744
SS. 10 to 12	
S.17 (partially)	
S.21 (partially)	
S.22 (partially)	
S.26	
S.28 (partially)	
SS. 29 to 31, 56 and 57	
S.58 (partially)	
S.64 (partially)	
SS.65, 67, 68, 92, 93 and 101	
Schs. 3 (partially) and 4 (partially)	

The Order also contains transitional provisions and adaptations which have effect in connection with the provisions brought into force by the Order.

S.69	1977/1036
S.24	1978/1433

The latter Order also contains a transitional provision and adaptation which has effect in connection with the provision brought into force by the Order.

Sch. 3 (partially)	1980/1475
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