



# Children Act 1975

## CHAPTER 72

### CHILDREN ACT 1975

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- 17 Care etc. of child on refusal of adoption order
- 18 Need to notify local authority of adoption application
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- 20 Guardian ad litem and reporting officer
- 21 Hearings of applications etc. in private
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- 23 Transfer of parental rights and duties between adoption agencies
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*Children in care of voluntary organisations in England and Wales*

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- 61 Duty of local authority to assume parental rights and duties
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- 63 Appeals by parents etc.

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- 64 Addition of new sections to Children and Young Persons Act 1969
- 65 Legal aid for parents where order made under new section 32A of 1969 Act
- 66 Safeguarding of interests of children before children's hearings etc. in Scotland

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- 76 Return of child taken away in breach of section 17(8) or (9) of Social Work (Scotland) Act 1968
- 77 Making of adoption orders where local authority have parental rights
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- 79 Amendment of section 20 of Social Work (Scotland) Act 1968
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- 84 Amendment of section 40 of Social Work (Scotland) Act 1968

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- 94 Extent of Part IV

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**SCHEDULES**

SCHEDULE 1 — Status conferred by adoption or legitimation in England and Wales

**PART I — INTERPRETATION**

- 1 (1) This Part applies for the construction of this Schedule,...

*Dispositions of property*

- 2 (1) In this Schedule— " disposition " includes the conferring...  
PART II — ADOPTION ORDERS

*Status conferred by adoption*

- 3 (1) An adopted child shall be treated in law—

*Vocabulary*

- 4 A relationship existing by virtue of paragraph 3 may be...

*Instruments and enactments concerning property*

- 5 (1) Paragraph 3— (a) does not apply to an existing...  
6 (1) Subject to any contrary indication, the rules of construction...

*Other enactments and instruments*

- 7 (1) Paragraph 3 does not apply for the purposes of...

*Pensions*

- 8 Paragraph 3(2) does not affect entitlement to a pension which...

*Adoption of child by natural parents*

- 9 In the case of a child adopted by one of...

*Peerages, etc.*

- 10 An adoption does not affect the descent of any peerage...

*Insurance*

- 11 Where a child is adopted whose natural parent has effected...  
PART III — LEGITIMATION

*Instruments concerning property*

- 12 (1) Subject to any contrary indication, the rules of construction...

*Legitimation of adopted child*

- 13 (1) Paragraph 3 does not prevent an adopted child being...  
PART IV — SUPPLEMENTAL

*Dispositions depending on date of birth*

- 14 (1) Where a disposition depends on the date of birth...

*Protection of trustees and personal representatives*

- 15 (1) A trustee or personal representative is not under a...

*Property devolving with peerages, etc.*

- 16 (1) This Schedule shall not affect the devolution of any...

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*Entails*

- 17 It is hereby declared that references in this Schedule to...  
PART V — EXTENT  
18 This Schedule does not apply to Scotland.

SCHEDULE 2 — Status Conferred in Scotland by Adoption

*General*

- 1 (1) In Scotland, a child who is the subject of...

*Pensions*

- 2 The provision in paragraph 1(1) whereby a child who is...

*Insurance*

- 3 Where a child is adopted whose natural parent has effected...

*Social Security*

- 4 (1) Paragraph 1 shall not prevent a person being treated...

*Succession and Property*

- 5 (1) Paragraph 1 does not affect the existing law relating...

*Adoption and Legitimation*

- 6 (1) In section 26 of the Adoption Act 1958, after...

*Interpretation*

- 7 In this Schedule, " adoption order " means—

SCHEDULE 3 — Minor and Consequential Amendments

*Children and Young Persons Act 1933 (23 and 24 Geo. 5 c. 12)*

- 1 In section 1(1)(b), for the words " one hundred pounds..."

*Children and Young Persons (Scotland) Act 1937 (c. 37)*

- 2 In section 12(1)(b) for the words " twenty-five pounds" there...

*Education Act 1944 (c. 31)*

- 3 In section 106, the following subsection is substituted for subsection...

*Children Act 1948 (c. 43)*

- 4 In section 3(8) for the words " twenty pounds" and...  
5 In section 4— (a) in subsection (3)(a) after the words...  
6 In section 43(1), for the words " and the Adoption..."

*Marriage Act 1949 (c. 76)*

- 7 In section 3(1), after the words " shall be required..."

- 8 In Part I of Schedule 1— (a) after " Mother"...
- 9 In Schedule 2 in paragraph 2(b) after the words "...

*Maintenance Orders Act 1950 (c. 37)*

- 10 In section 15, after the words " Maintenance Orders (Reciprocal...
- 11 In section 16(2)(a), after sub-paragraph (v) there are inserted the...

*Magistrates' Courts Act 1952 (c. 55)*

- 12 In section 56(1) (meaning of " domestic proceedings "), the...

*Births and Deaths Registration Act 1953 (c. 20)*

- 13 (1) For " living new-born child " in each place...

*Affiliation Proceedings Act 1957 (c. 55)*

- 14 In section 5(2) there is inserted at the end the...

*Housing Act 1957 (c. 56)*

- 15 In Schedule 2, in paragraph 4(7) for the words "...

*Children Act 1958 (6 & 7 Eliz. 2 c. 65)*

- 16 In section 2, as it applies in England and Wales—...
- 17 In section 2 as it applies to Scotland, after subsection...
- 18 In section 6 for the words " obtained their consent"...
- 19 In section 14(2), for the words " one hundred pounds...
- 20 In section 37(2), for the words " one hundred pounds...

*Adoption Act 1958 (7 & 8 Eliz. 2. c. 5)*

- 21 (1) For "Adoption Rules" in each place where it occurs...
- 22 In section 9(3), for " this Part of this Act...
- 23 In section 11(2), for "this Part of this Act" in...
- 24 In section 21(1) for the words from " the form...
- 25 In section 23(1) for the words from " the form...
- 26 In section 26(2) after the words " adoption order" there...
- 27 In section 32— (a) the following subsections are substituted for...
- 28 In section 33— (a) in subsection (1)—
- 29 In section 35(6) for the word "six " there is...
- 30 In section 36— (a) in subsection (1) for the words...
- 31 In section 37— (a) in subsection (1) for the words...
- 32 In section 40(6)for the words from the beginning to "...
- 33 In section 44(2), for the word "six " there is...
- 34 In section 50— (a) in subsection (1), in paragraph (b),...
- 35 In section 51(2), for the words "fifty pounds " there...
- 36 In section 52(1)— (a) for the words " fifty-three of...
- 37 In section 55, after the words "this Act " there...
- 38 For section 56 there is substituted the following section— Rules...
- 39 In section 57(1)— (a) for the definition of " adoption...
- 40 After section 57(1) there is inserted— (1A) In this Act,...

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*County Courts Act 1959 (c. 22)*

41 In section 109(2) the following paragraph is inserted after paragraph...

*Children and Young Persons Act 1963 (c. 37)*

42 In section 49(1), for the words "twenty pounds" there are...

*Perpetuities and Accumulations Act 1964 (c. 55)*

43 In section 4, the following subsection is inserted at the...

*Adoption Act 1964 (c. 57)*

44 In section 1, the following subsection is substituted for subsection...

45 In section 3(3)— (a) for the words " section 53...

*Health Services and Public Health Act 1968 (c. 46)*

46 For section 64(3)(a) there is substituted— (a) ' the relevant...

47 For section 65(3)(b) there is substituted— (b) ' the relevant...

*Social Work (Scotland) Act 1968 (c. 49)*

48 In section 2(2) (functions of the social work committee), the...

49 For section 5(2) there is substituted— (2) The Secretary of...

50 In section 6(1)(b), after sub-paragraph (ii) there is inserted the...

51 In section 10— (a) in subsection (1), for the words...

52 In section 17— (a) in subsection (3), for " section...

53 In section 18— (a) in subsection (2), for " section...

54 In section 32(2)— (a) for paragraphs (b) and (c) there...

55 In section 35(5)(a) at the end there is inserted "...

56 In section 44(5), after " 20 ", there is inserted...

57 In section 49(3) for the words " The sheriff may...

58 In section 69— (a) in subsection (1), at the end...

59 In section 70, at the end there are added the...

60 In section 71, for the words " one hundred pounds...

*Adoption Act 1968 (c. 53)*

61 In section 8(2)— (a) for the words "form set out...

62 In section 8(5)— (a) for paragraph (b) there is substituted—...

63 In section 9(5), for the words "a specified order or...

64 In section 11(1)— (a) for the definition of "adoption order"...

65 In section 12(2), for the words from "made by virtue...

*Housing Act 1969 (c. 33)*

66 In section 86(2) for the words "any illegitimate son or...

*Children and Young Persons Act 1969 (c. 54)*

67 In section 1(2) the following paragraph is inserted after paragraph...

68 The following section is inserted after section 11— Local authority...

69 In section 21— (a) the following subsection is inserted after...

70 The following section is inserted after section 21— Termination of...

71 In section 27— (a) in subsection (3), for the words...



72 In section 58(1), the following paragraph is inserted after paragraph...

*Administration of Justice Act 1970 (c. 31)*

73 (1) In Schedule 1— (a) after "Appellate Business" there is...

*Local Authority Social Services Act 1970 (c. 42)*

74 In Schedule 1— (a) at the end of the entry...

*Guardianship of Minors Act 1971 (c. 3)*

75 (1) In section 9— (a) in subsection (2) for "any..."

*Attachment of Earnings Act 1971 (c. 32)*

76 In Schedule 1— (a) in paragraph 6, after the words...

*Parliamentary and Other Pensions Act 1972 (c. 48)*

77 In section 15(6), for the words " a stepchild or..."

*Matrimonial Causes Act 1973 (c. 18)*

78 In section 44(1), for the words " custody of any..."

79 In section 50(1), at the end of paragraph (e) there...

*Guardianship Act 1973 (c. 29)*

80 (1) In section 4(3) for the words from " the..."

81 In section 6(1), for " section 9 of the Guardianship..."

*Legal Aid Act 1974 (c. 4)*

82 In Schedule 1— (a) for paragraph 3(d), there is substituted—...

*Housing Act 1974 (c. 44)*

83 In section 129(4), for the words " any illegitimate son..."

SCHEDULE 4 — FURTHER REPEALS

PART I — STATUS OF ADOPTED CHILD

PART II — LEGITIMATION

PART III — MISCELLANEOUS

PART IV — ADOPTION ORDERS

PART V — CHILDREN IN CARE OF LOCAL AUTHORITIES

PART VI — REGISTRATION OF BIRTHS

PART VII — ADOPTION AGENCIES

PART VIII — ADOPTION: EVIDENCE OF AGREEMENT & GUARDIANS AD LITEM

PART IX — INQUIRIES ETC. BY ADOPTION AGENCIES

PART X — GRANTS ETC. FOR VOLUNTARY ORGANISATIONS

PART XI — PROTECTED CHILDREN

PART XII — CUSTODIANSHIP