



Adoption Act 1976

1976 CHAPTER 36

PART II

ADOPTION ORDERS

Supplemental

[^{F1}22 Notification to local authority of adoption application.

- (1) An adoption order shall not be made in respect of a child who was not placed with the applicant by an adoption agency unless the applicant has, at least 3 months before the date of the order, given notice to the local authority within whose area he has his home of his intention to apply for the adoption order.
[An application for such an adoption order shall not be made unless the person wishing
^{F2}(1A) to make the application has, within the period of two years preceding the making of the application, given notice as mentioned in subsection (1).
(1B) In subsections (1) and (1A) the references to the area in which the applicant or person has his home are references to the area in which he has his home at the time of giving the notice.]
- (2) On receipt of such a notice the local authority shall investigate the matter and submit to the court a report of their investigation.
- (3) Under subsection (2), the local authority shall in particular investigate,—
 - (a) so far as is practicable, the suitability of the applicant, and any other matters relevant to the operation of section 6 in relation to the application; and
 - (b) whether the child was placed with the applicant in contravention of section 11.
- (4) A local authority which [^{F3}receives][^{F3}receive] notice under subsection (1) in respect of a child whom the authority know to be [^{F4}in the care of][^{F4}looked after by] another local authority shall, not more than 7 days after the receipt of the notice, inform that other local authority in writing, that they have received the notice.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: Adoption Act 1976, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 15 August 2023. 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)

Textual Amendments

- F1** S. 22 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 paras. 3, 5, [Sch. 4](#)
- F2** S. 22(1A)(1B) inserted (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 10(1) (with [Sch. 14 para. 1\(1\)](#))
- F3** Word “receive” substituted (*prosp.*) for word “receives” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 10(2) (with [Sch. 14 para. 1\(1\)](#))
- F4** Words “looked after” substituted (*prosp.*) for words “in the care of” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 10(2) (with [Sch. 14 para. 1\(1\)](#))

[^{F5}23] Reports where child placed by agency.

Where an application for an adoption order relates to a child placed by an adoption agency, the agency shall submit to the court a report on the suitability of the applicants and any other matters relevant to the operation of section 6, and shall assist the court in any manner the court may direct.]

Textual Amendments

- F5** S. 23 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 paras. 3, 5, [Sch. 4](#)

24 Restrictions on making adoption orders.

- (1) The court shall not proceed to hear an application for an adoption order in relation to a child where a previous application for a British adoption order made in relation to the child by the same persons was refused by any court unless—
- (a) in refusing the previous application the court directed that this subsection should not apply, or
 - (b) it appears to the court that because of a change in circumstances or for any other reason it is proper to proceed with the application.
- (2) The court shall not make an adoption order in relation to a child unless it is satisfied that the applicants have not, as respects the child, [^{F6}contravened] section 57.

Textual Amendments

- F6** Word substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 9, [Sch. 2 para. 32](#)

25 Interim orders.

- (1) Where on an application for an adoption order the requirements of sections 16(1) and 22(1) are complied with, the court may postpone the determination of the application and make an order [^{F7}vesting the legal custody of the child][^{F7}giving parental responsibility for the child to] in the applicants for a probationary period not exceeding 2 years upon such terms for the maintenance of the child and otherwise as the court thinks fit.

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- (2) Where the probationary period specified in an order under subsection (1) is less than 2 years, the court may by a further order extend the period to a duration not exceeding 2 years in all.

Textual Amendments

- F7** Words “giving parental responsibility for the child to” substituted (*prosp.*) for words “vesting the legal custody of the child in” by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 10 para. 11 (with Sch. 14 para. 1(1))

[^{F8}26 Care etc. of child on refusal of adoption order.

- (1) Where on an application for an adoption order in relation to a child . . . ^{F9} the court refuses to make the adoption order then—
- (a) if it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may order that the child shall be under the supervision of a specified local authority or under the supervision of a probation officer;
- (b) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parents or to any other individual, the court may by order commit the child to the care of a specified local authority.
- (2) Where the court makes an order under subsection (1)(b) the order may require the payment by either parent to the local authority, while it has the care of the child, of such weekly or other periodical sum towards the maintenance of the child as the court thinks reasonable.
- (3) Sections 3 and 4 of the ^{M1}Guardianship Act 1973 (which contain supplementary provisions relating to children who are subject to supervision, or in the care of local authorities, by virtue of orders made under section 2 of that Act) apply in relation to an order under this section as they apply in relation to an order under section 2 of that Act.]

Textual Amendments

- F8** S. 26 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4))
- F9** Words repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), ss. 72(2), 89, Schs. 1, 3

Marginal Citations

- M1** 1973 c. 29(49:9).

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