

*Status: Point in time view as at 25/08/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Child Abduction Act 1984. (See end of Document for details)*

## SCHEDULE

Section 1(8).

### MODIFICATIONS OF SECTION 1 FOR CHILDREN IN CERTAIN CASES

#### *Children in care of local authorities and voluntary organisations*

- 1 (1) This paragraph applies in the case of a child who is in the care of a local authority [<sup>F1</sup>within the meaning of the Children Act 1989] in England or Wales.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the consent of the local authority <sup>F2</sup> . . . in whose care the child is; and
  - (b) subsections (3) to (6) were omitted.

#### Textual Amendments

**F1** Words in the Schedule para. 1(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para.40(2) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

**F2** Words in the Schedule para. 1(2)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

#### *Children in places of safety*

- 2 [<sup>F3</sup>(1) This paragraph applies in the case of a child who is—
- (a) detained in a place of safety under [<sup>F4</sup>paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000]; or
  - (b) remanded to local authority accommodation under section 23 of [<sup>F5</sup>the Children and Young Persons Act 1969].]
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the leave of any magistrates' court acting for the area in which the place of safety is; and
  - (b) subsections (3) to (6) were omitted.

#### Textual Amendments

**F3** Sch. 1 para. 2(1)(a)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 40(3) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

**F4** Words in Sch. para. 2(1)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 93(a)

**F5** Words in Sch. para. 2(1)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 93(b)

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### *Adoption and custodianship*

- 3 (1) This paragraph applies in the case of a child—
- (a) who is the subject of an order under [<sup>F6</sup>section 18 of the Adoption Act 1976] freeing him for adoption; or
  - (b) who is the subject of a pending application for such an order; or
  - (c) who is the subject of a pending application for an adoption order; or
  - (d) who is the subject of an order under [<sup>F7</sup>section 55 of the Adoption Act 1976] relating to adoption abroad or of a pending application for such an order; or
  - <sup>F8</sup>(e) . . .
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference—
    - (i) in a case within sub-paragraph (1)(a) above, to the consent of the adoption agency which made the application for the [<sup>F9</sup>section 18 order or, if the section 18 order has been varied under section 21 of that Act so as to give parental responsibility to another agency], to the consent of that other agency;
    - (ii) in a case within sub-paragraph (1)(b), [<sup>F10</sup>or (c)] above, to the leave of the court to which the application was made; and
    - (iii) in a case within sub-paragraph (1)(d) above, to the leave of the court which made the order or, as the case may be, to which the application was made; and
  - (b) subsections (3) to (6) were omitted.
- [<sup>F11</sup>(3) Sub-paragraph (2) above shall be construed as if the references to the court included, in any case where the court is a magistrates' court, a reference to any magistrates' court acting for the same area as that court]

#### **Textual Amendments**

- F6** Words in Schedule para. 3(1)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(4)(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F7** Words in the Schedule para. 3(1)(d) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(4)(b)**(with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F8** Schedule para.3(1)(e) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F9** Words in Schedule para. 3(2)(a)(i) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(5)(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F10** Words in Schedule para. 3(2)(a)(ii) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(5)(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F11** Sch. para. 3(3) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para. 40(6)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

### *Cases within paragraphs 1 and 3*

- 4 In the case of a child falling within both paragraph 1 and paragraph 3 above, the provisions of paragraph 3 shall apply to the exclusion of those in paragraph 1.

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### *Interpretation*

- [<sup>F12</sup>5 In this Schedule—
- (a) “adoption agency” and “adoption order” have the same meaning as in the Adoption Act 1976; and
  - (b) “area”, in relation to a magistrates’ court, means the petty sessions area<sup>F13</sup> . . . for which the court is appointed.]

#### **Textual Amendments**

- F12** Sch. para. 5 (a)(b) substituted (14.10.1991) for Sch. para. 5 containing (1)-(4) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), [Sch. 12 para.40\(7\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F13** Words in Sch. para. 5(b) repealed (27.9.1999) by [1999 c. 22, ss. 106, 180\(3\)\(f\)](#), [Sch. 15 Pt. V\(1\)](#) (with [Sch. 14 paras. 7\(2\), 36\(9\)](#))

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