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**Changes to legislation:** Children Act 1989, Paragraph 40 is up to date with all changes known to be in force on or before 02 May 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

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## SCHEDULES

### SCHEDULE 12

#### MINOR AMENDMENTS

##### *The Child Abduction Act 1984 (c. 37)*

- 40 (1) The Schedule to that Act (modifications of section 1 for children in certain cases) shall be amended as follows.
- (2) In paragraph 1(1) for the words “or voluntary organisation” there shall be substituted “within the meaning of the Children Act 1989”.
- (3) For paragraph 2(1) there shall be substituted—
- “(1) This paragraph applies in the case of a child who is—
- (a) detained in a place of safety under section 16(3) of the Children and Young Persons Act 1969; or
- (b) remanded to local authority accommodation under section 23 of that Act.”
- (4) In paragraph 3(1)—
- (a) in paragraph (a) for the words “section 14 of the Children Act 1975” there shall be substituted “section 18 of the Adoption Act 1976”; and
- (b) in paragraph (d) for the words “section 25 of the Children Act 1975 or section 53 of the Adoption Act 1958” there shall be substituted “section 55 of the Adoption Act 1976”.
- (5) In paragraph 3(2)(a)—
- (a) in sub-paragraph (i), for the words from “order or,” to “Children Act 1975” there shall be substituted “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”, and
- (b) in sub-paragraph (ii), for the words “(c) or (e)” there shall be substituted “or (c)”.
- (6) At the end of paragraph 3 there shall be added—
- “(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”.
- (7) For paragraph 5 there shall be substituted—
- “5 In this Schedule—
- (a) “adoption agency” and “adoption order” have the same meaning as in the Adoption Act 1976; and

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- (b) “area”, in relation to a magistrates’ court, means the petty sessions area (within the meaning of the Justices of the Peace Act 1979) for which the court is appointed.”

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**Commencement Information**

**II** Sch. 12 para. 40 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)