



# Adoption and Children Act 2002

## CHAPTER 38

### ADOPTION AND CHILDREN ACT 2002

#### PART 1

#### ADOPTION

#### CHAPTER 1

#### INTRODUCTORY

- 1 Considerations applying to the exercise of powers

#### CHAPTER 2

#### THE ADOPTION SERVICE

##### *The Adoption Service*

- 2 Basic definitions
- 3 Maintenance of Adoption Service
- 4 Assessments etc. for adoption support services
- 5 Local authority plans for adoption services
- 6 Arrangements on cancellation of registration
- 7 Inactive or defunct adoption societies etc.
- 8 Adoption support agencies

##### *Regulations*

- 9 General power to regulate adoption etc. agencies
- 10 Management etc. of agencies
- 11 Fees

## 12 Independent review of determinations

*Supplemental*

- 13 Information concerning adoption
- 14 Default power of appropriate Minister
- 15 Inspection of premises etc.
- 16 Distribution of functions in relation to registered adoption societies
- 17 Inquiries

**CHAPTER 3**

## PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

*Placement of children by adoption agency for adoption*

- 18 Placement for adoption by agencies
- 19 Placing children with parental consent
- 20 Advance consent to adoption
- 21 Placement orders
- 22 Applications for placement orders
- 23 Varying placement orders
- 24 Revoking placement orders
- 25 Parental responsibility
- 26 Contact
- 27 Contact: supplementary
- 28 Further consequences of placement
- 29 Further consequences of placement orders

*Removal of children who are or may be placed by adoption agencies*

- 30 General prohibitions on removal
- 31 Recovery by parent etc. where child not placed or is a baby
- 32 Recovery by parent etc. where child placed and consent withdrawn
- 33 Recovery by parent etc. where child placed and placement order refused
- 34 Placement orders: prohibition on removal
- 35 Return of child in other cases

*Removal of children in non-agency cases*

- 36 Restrictions on removal
- 37 Applicants for adoption
- 38 Local authority foster parents
- 39 Partners of parents
- 40 Other non-agency cases

*Breach of restrictions on removal*

- 41 Recovery orders

*Preliminaries to adoption*

- 42 Child to live with adopters before application
- 43 Reports where child placed by agency
- 44 Notice of intention to adopt
- 45 Suitability of adopters

*The making of adoption orders*

- 46 Adoption orders
- 47 Conditions for making adoption orders
- 48 Restrictions on making adoption orders
- 49 Applications for adoption
- 50 Adoption by couple
- 51 Adoption by one person

*Placement and adoption: general*

- 52 Parental etc. consent
- 53 Modification of 1989 Act in relation to adoption
- 54 Disclosing information during adoption process
- 55 Revocation of adoptions on legitimation

*Disclosure of information in relation to a person's adoption*

- 56 Information to be kept about a person's adoption
- 57 Restrictions on disclosure of protected etc. information
- 58 Disclosure of other information
- 59 Offence
- 60 Disclosing information to adopted adult
- 61 Disclosing protected information about adults
- 62 Disclosing protected information about children
- 63 Counselling
- 64 Other provision to be made by regulations
- 65 Sections 56 to 65: interpretation

**CHAPTER 4**

STATUS OF ADOPTED CHILDREN

- 66 Meaning of adoption in Chapter 4
- 67 Status conferred by adoption
- 68 Adoptive relatives
- 69 Rules of interpretation for instruments concerning property
- 70 Dispositions depending on date of birth
- 71 Property devolving with peerages etc.
- 72 Protection of trustees and personal representatives
- 73 Meaning of disposition
- 74 Miscellaneous enactments
- 75 Pensions
- 76 Insurance

**CHAPTER 5**

THE REGISTERS

*Adopted Children Register etc.*

- 77 Adopted Children Register
- 78 Searches and copies
- 79 Connections between the register and birth records

*Adoption Contact Register*

- 80 Adoption Contact Register
- 81 Adoption Contact Register: supplementary

*General*

- 82 Interpretation

**CHAPTER 6**

## ADOPTIONS WITH A FOREIGN ELEMENT

*Bringing children into and out of the United Kingdom*

- 83 Restriction on bringing children in
- 84 Giving parental responsibility prior to adoption abroad
- 85 Restriction on taking children out
- 86 Power to modify sections 83 and 85

*Overseas adoptions*

- 87 Overseas adoptions

*Miscellaneous*

- 88 Modification of section 67 for Hague Convention adoptions
- 89 Annulment etc. of overseas or Hague Convention adoptions
- 90 Section 89: supplementary
- 91 Overseas determinations and orders

**CHAPTER 7**

## MISCELLANEOUS

*Restrictions*

- 92 Restriction on arranging adoptions etc.
- 93 Offence of breaching restrictions under section 92
- 94 Restriction on reports
- 95 Prohibition of certain payments
- 96 Excepted payments
- 97 Sections 92 to 96: interpretation

*Information*

- 98 Pre-commencement adoptions: information

*Proceedings*

- 99 Proceedings for offences
- 100 Appeals
- 101 Privacy

*The Children and Family Court Advisory and Support Service*

- 102 Officers of the Service

- 103 Right of officers of the Service to have access to adoption agency records

*Evidence*

- 104 Evidence of consent

*Scotland, Northern Ireland and the Islands*

- 105 Effect of certain Scottish orders and provisions  
106 Effect of certain Northern Irish orders and provisions  
107 Use of adoption records from other parts of the British Islands  
108 Channel Islands and the Isle of Man

*General*

- 109 Avoiding delay  
110 Service of notices etc.

**PART 2**

AMENDMENTS OF THE CHILDREN ACT 1989

- 111 Parental responsibility of unmarried father  
112 Acquisition of parental responsibility by step-parent  
113 Section 8 orders: local authority foster parents  
114 Residence orders: extension to age of 18  
115 Special guardianship  
116 Accommodation of children in need etc.  
117 Inquiries by local authorities into representations  
118 Review of cases of looked after children  
119 Advocacy services  
120 Meaning of “harm” in the 1989 Act  
121 Care plans  
122 Interests of children in proceedings

**PART 3**

MISCELLANEOUS AND FINAL PROVISIONS

**CHAPTER 1**

MISCELLANEOUS

*Advertisements in the United Kingdom*

- 123 Restriction on advertisements etc.  
124 Offence of breaching restriction under section 123

*Adoption and Children Act Register*

- 125 Adoption and Children Act Register  
126 Use of an organisation to establish the register  
127 Use of an organisation as agency for payments  
128 Supply of information for the register  
129 Disclosure of information  
130 Territorial application

## 131 Supplementary

*Other miscellaneous provisions*

- 132 Amendment of Adoption (Scotland) Act 1978: contravention of sections 30 to 36 of this Act
- 133 Scottish restriction on bringing children into or out of United Kingdom
- 134 Amendment of Adoption (Scotland) Act 1978: overseas adoptions
- 135 Adoption and fostering: criminal records
- 136 Payment of grants in connection with welfare services
- 137 Extension of the Hague Convention to British overseas territories
- 138 Proceedings in Great Britain

*Amendments etc.*

- 139 Amendments, transitional and transitory provisions, savings and repeals

**CHAPTER 2**

## FINAL PROVISIONS

- 140 Orders, rules and regulations
- 141 Rules of procedure
- 142 Supplementary and consequential provision
- 143 Offences by bodies corporate and unincorporated bodies
- 144 General interpretation etc.
- 145 Devolution: Wales
- 146 Expenses
- 147 Glossary
- 148 Commencement
- 149 Extent
- 150 Short title

---

**SCHEDULES****SCHEDULE 1 — Registration of adoptions**

- 1 Registration of adoption orders
- 2 Registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands
- 3 Registration of other adoptions
- 4 Amendment of orders and rectification of Registers and other records
- 5 Marking of entries on re-registration of birth on legitimation
- 6 Cancellations in registers on legitimation

**SCHEDULE 2 — Disclosure of birth records by Registrar General**

- 1 On an application made in the prescribed manner by an...
- 2 (1) Before giving any information to an applicant under paragraph...
- 3 (1) Where an adopted person who is in England and...
- 4 (1) Where a person— (a) was adopted before 12th November...

**SCHEDULE 3 — Minor and consequential amendments**

- 1 The Marriage Act 1949 (c. 76)
- 2 In subsection (1), for “person or persons specified in subsection...

- 3 For subsection (1A) there is substituted— (1A) The appropriate persons...
- 4 For subsection (1B) there is substituted— (1B) In this section—...
- 5 In subsection (2), for “The last foregoing subsection” there is...
- 6 The Births and Deaths Registration Act 1953 (c. 20)
- 7 In section 10A of the Births and Deaths Registration Act...
- 8 The Sexual Offences Act 1956 (c. 69)
- 9 The Health Services and Public Health Act 1968 (c. 46)
- 10 In section 64 (financial assistance by the Secretary of State...
- 11 In section 65 (financial and other assistance by local authorities...
- 12 The Local Authority Social Services Act 1970 (c. 42)
- 13 In section 7D (default powers of Secretary of State as...
- 14 In Schedule 1 (enactments conferring functions assigned to social services...
- 15 The Immigration Act 1971 (c. 77)
- 16 The Legitimacy Act 1976 (c. 31)
- 17 In section 4 (legitimation of adopted child)—
- 18 In section 6 (dispositions depending on date of birth), at...
- 19 The Adoption Act 1976 (c. 36)
- 20 The National Health Service Act 1977 (c. 49)
- 21 The Adoption (Scotland) Act 1978 (c. 28)
- 22 In section 11 (restriction on arranging adoptions and placing of...
- 23 In section 16 (parental agreement to adoption order)—
- 24 In section 29 (return of children taken away in breach...
- 25 In section 45 (Adopted Children Register)— (a) in subsection (6)(d),...
- 26 In section 47 (annulment etc. of overseas adoptions), in subsection...
- 27 In section 50 (restriction on removal of children for adoption...
- 28 Section 52 (restriction on advertisements) is omitted.
- 29 In section 53 (effect of determination and orders made in...
- 30 After section 53 there is inserted— Effect of certain orders...
- 31 In section 54 (evidence of adoption in England, Wales and...
- 32 In section 56 (authorised courts), in subsection (3), for “Great...
- 33 In section 59 (rules of procedure)— (a) in subsection (2)—...
- 34 In section 60 (orders, rules and regulations), after subsection (3)...
- 35 In section 65 (interpretation), in subsection (1)—
- 36 The Magistrates' Courts Act 1980 (c. 43)
- 37 In section 65 (meaning of family proceedings), in subsection (1),...
- 38 In section 69 (sitting of magistrates' courts for family proceedings),...
- 39 In section 71 (newspaper reports of family proceedings)—
- 40 In Part 1 of Schedule 6 (fees to be taken...
- 41 The Mental Health Act 1983 (c. 20)
- 42 The Child Abduction Act 1984 (c. 37)
- 43 (1) The Schedule to that Act (modifications of section 1...
- 44 The Matrimonial and Family Proceedings Act 1984 (c. 42)
- 45 The Child Abduction and Custody Act 1985 (c. 60)
- 46 The Family Law Act 1986 (c. 55)
- 47 In section 1 (orders to which Part 1 applies), in...
- 48 In section 2 (jurisdiction: general), after subsection (2) there is...
- 49 In section 57 (declarations as to adoptions effected overseas)—
- 50 The Family Law Reform Act 1987 (c. 42)
- 51 In section 1 (general principle), for paragraph (c) of subsection...
- 52 In section 19 (dispositions of property), in subsection (5), after...
- 53 The Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))

- 
- 54 The Children Act 1989 (c. 41)
  - 55 In section 8 (residence, contact and other orders with respect...
  - 56 In section 10 (power of court to make section 8...
  - 57 In section 12 (residence orders and parental responsibility), in subsection...
  - 58 In section 16 (family assistance orders), in subsection (2)(a), for...
  - 59 In section 20 (provision of accommodation for children: general), in...
  - 60 In section 24 (persons qualifying for advice and assistance)—
  - 61 In section 24A (advice and assistance for qualifying persons)—
  - 62 In section 24B (assistance with employment, education and training), in...
  - 63 In section 33 (effect of care order)—
  - 64 In section 34 (parental contact etc. with children in care)—...
  - 65 In section 80 (inspection of children’s homes by persons authorised...
  - 66 In section 81 (inquiries), in subsection (1), paragraph (b) is...
  - 67 In section 88 (amendments of adoption legislation), subsection (1) is...
  - 68 In section 91 (effect and duration of orders, etc.)—
  - 69 In section 102 (power of constable to assist in exercise...
  - 70 In section 105 (interpretation), in subsection (1)—
  - 71 In Schedule 1 (financial provision for children)—
  - 72 In Schedule 2, in paragraph 19 (arrangements by local authorities...
  - 73 In Schedule 8 (privately fostered children), in paragraph 5, for...
  - 74 Part 1 of Schedule 10 is omitted.
  - 75 In Schedule 11 (jurisdiction), in paragraphs 1 and 2, for...
  - 76 The Human Fertilisation and Embryology Act 1990 (c. 37)
  - 77 In section 27 (meaning of mother), in subsection (2), for...
  - 78 In section 28 (meaning of father), in subsection (5)(c), for...
  - 79 In section 30 (parental orders in favour of gamete donors),...
  - 80 The Courts and Legal Services Act 1990 (c. 41)
  - 81 The Child Support Act 1991 (c. 48)
  - 82 The Children (Scotland) Act 1995 (c. 36)
  - 83 In subsection (3), in paragraph (a), for “section 18 (freeing...
  - 84 In subsection (6), in paragraph (b), for the words from...
  - 85 The Family Law Act 1996 (c. 27)
  - 86 In section 62 (meaning of “relevant child” etc.)—
  - 87 At the end of that section there is inserted—
  - 88 In section 63 (interpretation of Part 4)—
  - 89 The Housing Act 1996 (c. 52)
  - 90 In subsection (2), for the words from “has been freed”...
  - 91 After that subsection there is inserted— (2A) A child falls...
  - 92 In subsection (3), for the definition of “adoption order”, there...
  - 93 The Police Act 1997 (c. 50)
  - 94 The Protection of Children Act 1999 (c. 14)
  - 95 The Adoption (Intercountry Aspects) Act 1999 (c. 18)
  - 96 Section 2 of that Act (accredited bodies) is amended as...
  - 97 In subsection (2A)— (a) for the words from the beginning...
  - 98 For subsection (5) there is substituted— (5) In this section,...
  - 99 In subsection (6)— (a) the words “in its application to...
  - 100 Section 14 (restriction on bringing children into the United Kingdom...
  - 101 In section 16(1) (devolution: Wales), the words “, or section...
  - 102 The Access to Justice Act 1999 (c. 22)
  - 103 The Care Standards Act 2000 (c. 14)
  - 104 In section 4 (basic definitions), in subsection (7), for “the...



- 105 At the end of section 5 (registration authorities) there is...
- 106 In section 11 (requirement to register), in subsection (3), for...
- 107 In section 14 (2) (offences conviction of which may result...
- 108 In section 16(2) (power to make regulations providing that no...
- 109 In section 22(10) (disapplication of power to make regulations in...
- 110 In section 23 (standards), at the end of subsection (4)(d)...
- 111 In section 31 (inspections by authorised persons), in subsection (3)(b),...
- 112 In section 43 (introductory), in subsection (3)(a)—
- 113 In section 46 (inspections: supplementary), in subsection (7)(c), for  
“section...
- 114 In section 48 (regulation of fostering functions), at the end...
- 115 In section 55(2)(b) (definition of “social care worker”), for “or...
- 116 In section 121 (general interpretation)— (a) in subsection (1), in...
- 117 In Schedule 4 (minor and consequential amendments), paragraph 27(b)  
is...
- 118 The Criminal Justice and Court Services Act 2000 (c. 43)

#### SCHEDULE 4 — Transitional and transitory provisions and savings

- 1 General rules for continuity
- 2 General rule for old savings
- 3 Adoption support services
- 4 Regulation of adoption agencies
- 5 Independent review mechanism
- 6 Pending applications for freeing orders
- 7 Freeing orders
- 8 Pending applications for adoption orders
- 9 Notification of adoption applications
- 10 Adoptions with a foreign element
- 11 In section 56 of the Adoption Act 1976 (restriction on...
- 12 For section 56A of the Adoption Act 1976 (c. 36)...
- 13 In section 72 of the Adoption Act 1976 (c. 36)...
- 14 Advertising
- 15 In section 52 of the Adoption (Scotland) Act 1978 (c....
- 16 (1) The Secretary of State may make regulations providing for...
- 17 Status
- 18 Section 69 does not apply to a pre-1976 instrument.
- 19 In section 70(1), the reference to Part 3 of the...
- 20 Registration of adoptions
- 21 The Child Abduction Act 1984 (c. 37)
- 22 The Courts and Legal Services Act 1990 (c. 41)
- 23 The Children (Scotland) Act 1995 (c. 36)

#### SCHEDULE 5 — Repeals

#### SCHEDULE 6 — Glossary