



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 7

#### MISCELLANEOUS

*Scotland, Northern Ireland and the Islands*

#### **105 Effect of certain Scottish orders and provisions**

- (1) A Scottish adoption order or an order under section 25 of the Adoption (Scotland) Act 1978 (c. 28) (interim adoption orders) has effect in England and Wales as it has in Scotland, but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
- (2) An order made under section 18 of the Adoption (Scotland) Act 1978 (freeing orders), and the revocation or variation of such an order under section 20 or 21 of that Act, have effect in England and Wales as they have effect in Scotland, but as if references to the parental responsibilities and the parental rights in relation to a child were to parental responsibility for the child.
- (3) Any person who—
  - (a) contravenes section 27(1) of that Act (removal where adoption agreed etc.), or
  - (b) contravenes section 28(1) or (2) of that Act (removal where applicant provided home),is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

- (4) Orders made under section 29 of that Act (order to return or not to remove child) are to have effect in England and Wales as if they were orders of the High Court under section 41 of this Act.

#### **106 Effect of certain Northern Irish orders and provisions**

- (1) A Northern Irish adoption order or an order under Article 26 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) (interim orders) has effect in England and Wales as it has in Northern Ireland.
- (2) An order made under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 (freeing orders), or the variation or revocation of such an order under Article 20 or 21 of that Order, have effect in England and Wales as they have in Northern Ireland.
- (3) Any person who—
- (a) contravenes Article 28(1) or (2) of the Adoption (Northern Ireland) Order 1987 (removal where adoption agreed etc.), or
  - (b) contravenes Article 29(1) or (2) of that Order (removal where applicant provided home),
- is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.
- (4) Orders made under Article 30 of that Order (order to return or not to remove child) are to have effect in England and Wales as if they were orders of the High Court under section 41 of this Act.

#### **107 Use of adoption records from other parts of the British Islands**

Any document which is receivable as evidence of any matter—

- (a) in Scotland under section 45(2) of the Adoption (Scotland) Act 1978 (c. 28),
- (b) in Northern Ireland under Article 63(1) of the Adoption (Northern Ireland) Order 1987, or
- (c) in the Isle of Man or any of the Channel Islands under an enactment corresponding to section 77(3) of this Act,

is also receivable as evidence of that matter in England and Wales.

#### **108 Channel Islands and the Isle of Man**

- (1) Regulations may provide—
- (a) for a reference in any provision of this Act to an order of a court to include an order of a court in the Isle of Man or any of the Channel Islands which appears to the Secretary of State to correspond in its effect to the order in question,
  - (b) for a reference in any provision of this Act to an adoption agency to include a person who appears to the Secretary of State to exercise functions under the law of the Isle of Man or any of the Channel Islands which correspond to those of an adoption agency and for any reference in any provision of this Act to a child placed for adoption by an adoption agency to be read accordingly,
  - (c) for a reference in any provision of this Act to an enactment (including an enactment contained in this Act) to include a provision of the law of the Isle

of Man or any of the Channel Islands which appears to the Secretary of State to correspond in its effect to the enactment,

- (d) for any reference in any provision of this Act to the United Kingdom to include the Isle of Man or any of the Channel Islands.
- (2) Regulations may modify any provision of this Act, as it applies to any order made, or other thing done, under the law of the Isle of Man or any of the Channel Islands.
- (3) In this section, “regulations” means regulations made by the Secretary of State after consultation with the Assembly.