

**Status:** Point in time view as at 30/12/2005. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Adoption and Children Act 2002, SCHEDULE 4 is up to date with all changes known to be in force on or before 27 April 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)

## SCHEDULES

### SCHEDULE 4

Section 139

#### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

##### *General rules for continuity*

- 1 (1) Any reference (express or implied) in Part 1 or any other enactment, instrument or document to—
- (a) any provision of Part 1, or
  - (b) things done or falling to be done under or for the purposes of any provision of Part 1,

must, so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to that corresponding provision or (as the case may be) to things done or falling to be done under or for the purposes of that corresponding provision.

- (2) Any reference (express or implied) in any enactment, instrument or document to—
- (a) a provision repealed by this Act, or
  - (b) things done or falling to be done under or for the purposes of such a provision,

must, so far as the nature of the reference permits, be construed as including, in relation to the times, circumstances or purposes in relation to which the corresponding provision of Part 1 has effect, a reference to that corresponding provision or (as the case may be) to things done or falling to be done under or for the purposes of that corresponding provision.

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

##### *General rule for old savings*

- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Act but remains capable of having effect.

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

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*Adoption support services*

F13 .....

**Textual Amendments**  
F1 Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Regulation of adoption agencies*

F14 .....

**Textual Amendments**  
F1 Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Independent review mechanism*

F15 .....

**Textual Amendments**  
F1 Sch. 4 paras. 3-5 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

*Pending applications for freeing orders*

- 6 Nothing in this Act affects any application for an order under section 18 of the Adoption Act 1976 (freeing for adoption) where—
  - (a) the application has been made and has not been disposed of immediately before the repeal of that section, and
  - (b) the child in relation to whom the application is made has his home immediately before that repeal with a person with whom he has been placed for adoption by an adoption agency.

**Commencement Information**  
I3 Sch. 4 para. 6 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Freeing orders*

- 7 (1) Nothing in this Act affects any order made under section 18 of the Adoption Act 1976 (c. 36) and—
  - (a) sections 19 to 21 of that Act are to continue to have effect in relation to such an order, and

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- (b) Part 1 of Schedule 6 to the Magistrates’ Courts Act 1980 (c. 43) is to continue to have effect for the purposes of an application under section 21 of the Adoption Act 1976 in relation to such an order.
- (2) Section 20 of that Act, as it has effect by virtue of this paragraph, is to apply as if, in subsection (3)(c) after “1989” there were inserted—  
“(ia) any care order, within the meaning of that Act”.
- (3) Where a child is free for adoption by virtue of an order made under section 18 of that Act, the third condition in section 47(6) is to be treated as satisfied.

**Commencement Information**

**I4** Sch. 4 para. 7 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*Pending applications for adoption orders*

- 8 Nothing in this Act affects any application for an adoption order under section 12 of the Adoption Act 1976 where—
- (a) the application has been made and has not been disposed of immediately before the repeal of that section, and
- (b) the child in relation to whom the application is made has his home immediately before that repeal with a person with whom he has been placed for adoption by an adoption agency.

**Commencement Information**

**I5** Sch. 4 para. 8 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

PROSPECTIVE

*Notification of adoption applications*

- 9 Where a notice given in respect of a child by the prospective adopters under section 22(1) of the Adoption Act 1976 is treated by virtue of paragraph 1(1) as having been given for the purposes of section 44(2) in respect of an application to adopt the child, section 42(3) has effect in relation to their application for an adoption order as if for “six months” there were substituted “twelve months”.

*Adoptions with a foreign element*

F<sup>2</sup>10 .....

**Textual Amendments**

**F2** Sch. 4 paras. 10-16 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 5 (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

F<sup>2</sup>11 .....

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<sup>F2</sup>12 .....

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*Advertising*

<sup>F2</sup>14 .....

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### Status

- 17 (1) Section 67—
- (a) does not apply to a pre-1976 instrument or enactment in so far as it contains a disposition of property, and
  - (b) does not apply to any public general Act in its application to any disposition of property in a pre-1976 instrument or enactment.
- (2) Section 73 applies in relation to this paragraph as if this paragraph were contained in Chapter 4 of Part 1; and an instrument or enactment is a pre-1976 instrument or enactment for the purposes of this Schedule if it was passed or made at any time before 1st January 1976.

#### Commencement Information

**16** Sch. 4 para. 17 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

- 18 Section 69 does not apply to a pre-1976 instrument.

#### Commencement Information

**17** Sch. 4 para. 18 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

- 19 In section 70(1), the reference to Part 3 of the Family Law Reform Act 1987 (c. 42) includes Part 2 of the Family Law Reform Act 1969 (c. 46).

#### Commencement Information

**18** Sch. 4 para. 19 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

### Registration of adoptions

- 20 (1) The power of the court under paragraph 4(1) of Schedule 1 to amend an order on the application of the adopter or adopted person includes, in relation to an order made before 1st April 1959, power to make any amendment of the particulars contained in the order which appears to be required to bring the order into the form in which it would have been made if paragraph 1 of that Schedule had applied to the order.
- (2) In relation to an adoption order made before the commencement of the Adoption Act 1976 (c. 36), the reference in paragraph 4(3) of that Schedule to paragraph 1(2) or (3) is to be read—
- (a) in the case of an order under the Adoption of Children Act 1926 (c. 29), as a reference to section 12(3) and (4) of the Adoption of Children Act 1949 (c. 98),
  - (b) in the case of an order under the Adoption Act 1950 (c. 26), as a reference to section 18(3) and (4) of that Act,
  - (c) in the case of an order under the Adoption Act 1958 (c. 5), as a reference to section 21(4) and (5) of that Act.

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**Commencement Information**

**I9** Sch. 4 para. 20 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

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

- 21 Paragraph 43 of Schedule 3 does not affect the Schedule to the Child Abduction Act 1984 in its application to a child who is the subject of—
- (a) an order under section 18 of the Adoption Act 1976 freeing the child for adoption,
  - (b) a pending application for such an order, or
  - (c) a pending application for an order under section 12 of that Act.

**Commencement Information**

**I10** Sch. 4 para. 21 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*The Courts and Legal Services Act 1990 (c. 41)*

- 22 Paragraph 80 of Schedule 3 does not affect section 58A(2)(b) of the Courts and Legal Services Act 1990 in its application to proceedings under the Adoption Act 1976 (c. 36).

**Commencement Information**

**I11** Sch. 4 para. 22 in force at 30.12.2005 by S.I. 2005/2897, art. 2(a) (with arts. 3-16)

*The Children (Scotland) Act 1995 (c. 36)*

- 23 Paragraph 84 of Schedule 3 does not affect section 86(6) of the Children (Scotland) Act 1995 in its application to a child who becomes the subject of an order under section 18 or 55 of the Adoption Act 1976 by virtue of an application made before the repeal of that section.

**Commencement Information**

**I12** Sch. 4 para. 23 in force at 30.12.2005 by S.S.I. 2005/643, art. 2(d)

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