



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 6

ADOPTIONS WITH A FOREIGN ELEMENT

Miscellaneous

90 Section 89: supplementary

- (1) Any application for an order under section 89 or a decision under subsection (2)(b) or (3) of that section must be made in the prescribed manner and within any prescribed period.

“Prescribed” means prescribed by rules.

- (2) No application may be made under section 89(1) in respect of an adoption unless immediately before the application is made—

- (a) the person adopted, or
- (b) the adopters or adopter,

habitually reside in England and Wales.

- (3) In deciding in pursuance of section 89 whether such an authority as is mentioned in section 91 was competent to entertain a particular case, a court is bound by any finding of fact made by the authority and stated by the authority to be so made for the purpose of determining whether the authority was competent to entertain the case.

Changes to legislation: *Adoption and Children Act 2002, Section 90 is up to date with all changes known to be in force on or before 20 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) View outstanding changes*

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Commencement Information

- II** S. 90 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(f)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

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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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))