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**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Adoption and Children Act 2002 (c. 38). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### CHILD ARRANGEMENTS ORDERS: AMENDMENTS

#### PART 2

##### AMENDMENTS IN OTHER LEGISLATION

##### *Adoption and Children Act 2002 (c. 38)*

59 The Adoption and Children Act 2002 is amended as follows.

**Commencement Information**

**II** Sch. 2 para. 59 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 60 (1) Section 26 (placement of children by adoption agency for adoption: contact) is amended as follows.
- (2) In subsection (1) (provision for contact under the 1989 Act ceases to have effect and any contact activity direction is discharged) for the words from “any provision for contact” to the end substitute “—
- (a) any contact provision in a child arrangements order under section 8 of the 1989 Act ceases to have effect,
  - (b) any order under section 34 of that Act (parental etc contact with children in care) ceases to have effect, and
  - (c) any activity direction made in proceedings for the making, variation or discharge of a child arrangements order with respect to the child, or made in other proceedings that relate to such an order, is discharged.”
- (3) In subsection (2)(a) (no application may be made for provision for contact under the 1989 Act) for “any provision for contact under that Act, but” substitute “—
- (i) a child arrangements order under section 8 of the 1989 Act containing contact provision, or
  - (ii) an order under section 34 of that Act, but”.
- (4) In subsection (3)(c) (application for contact may be made by person in whose favour provision for contact was made)—
- (a) omit “for contact under the 1989 Act”, and
  - (b) for “(1)” substitute “(1)(a) or an order which ceased to have effect by virtue of subsection (1)(b) ”.

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- (5) In subsection (3)(d) (application for contact may be made by person in whose favour residence order was made)—
- (a) for “residence” substitute “ child arrangements ”, and
  - (b) for “the person in whose favour the order was made” substitute “ any person named in the order as a person with whom the child was to live ”.
- (6) In subsection (5) (application for contact order that is to be heard together with application for adoption order) for “contact order under section 8 of the 1989 Act” substitute “ child arrangements order under section 8 of the 1989 Act containing only contact provision ”.
- (7) For subsection (6) (interpretation) substitute—
- “(5A) In this section “contact provision” means provision which regulates arrangements relating to—
- (a) with whom a child is to spend time or otherwise have contact, or
  - (b) when a child is to spend time or otherwise have contact with any person;
- but in paragraphs (a) and (b) a reference to spending time or otherwise having contact with a person is to doing that otherwise than as a result of living with the person.
- (6) In this section “activity direction” has the meaning given by section 11A of the 1989 Act.”

**Commencement Information**

**I2** Sch. 2 para. 60 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 61 (1) Section 28 (further consequences of placement) is amended as follows.
- (2) In subsection (1)(a) (restrictions on applying for residence order) for “residence order” substitute “ child arrangements order regulating the child's living arrangements ”.
- (3) After subsection (4) insert—
- “(5) For the purposes of subsection (1)(a), a child arrangements order regulates a child's living arrangements if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom the child is to live, and
  - (b) when the child is to live with any person.”

**Commencement Information**

**I3** Sch. 2 para. 61 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 62 (1) Section 29 (further consequences of placement orders) is amended as follows.
- (2) In subsection (3)(a) (residence order etc may not be made if placement order is in force) omit “, residence order”.

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- (3) In subsection (4) (residence orders to which subsection (3) does not apply)—
- (a) for “Subsection (3)(a) does not apply in respect of a residence order if—” substitute “ Where a placement order is in force, a child arrangements order may be made with respect to the child's living arrangements only if—”, and
  - (b) in paragraph (b), for “residence” substitute “ child arrangements ”.
- (4) After subsection (4) insert—
- “(4A) For the purposes of subsection (4), a child arrangements order is one made with respect to a child's living arrangements if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom the child is to live, and
  - (b) when the child is to live with any person.”

**Commencement Information**

**I4** Sch. 2 para. 62 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 63 (1) Section 32 (recovery of child from placement) is amended as follows.
- (2) In subsection (5) (effect of undecided application for residence order etc on duty to return child) for paragraphs (a) and (b) substitute—
- “(a) before the notice was given, an application—
- (i) for an adoption order (including a Scottish or Northern Irish adoption order),
  - (ii) for a special guardianship order,
  - (iii) for a child arrangements order to which subsection (6) applies, or
  - (iv) for permission to apply for an order within sub-paragraph (ii) or (iii),
- was made in respect of the child, and
- (b) the application (and, in a case where permission is given on an application to apply for an order within paragraph (a)(ii) or (iii), the application for the order) has not been disposed of.”
- (3) After that subsection insert—
- “(6) A child arrangements order is one to which this subsection applies if it is an order regulating arrangements that consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom a child is to live, and
  - (b) when the child is to live with any person.”

**Commencement Information**

**I5** Sch. 2 para. 63 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 64 (1) Section 35 (return of placed child in certain cases) is amended as follows.

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- (2) In subsection (5) (effect of undecided application for residence order etc on duty to return child) for paragraphs (b) and (c) substitute—
- “(b) before the notice was given, an application—
- (i) for an adoption order (including a Scottish or Northern Irish adoption order),
- (ii) for a special guardianship order,
- (iii) for a child arrangements order to which subsection (5A) applies, or
- (iv) for permission to apply for an order within subparagraph (ii) or (iii),
- was made in respect of the child, and
- (c) the application (and, in a case where permission is given on an application to apply for an order within paragraph (b)(ii) or (iii), the application for the order) has not been disposed of.”
- (3) After that subsection insert—
- “(5A) A child arrangements order is one to which this subsection applies if it is an order regulating arrangements that consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom a child is to live, and
- (b) when a child is to live with any person.”

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**Commencement Information**

**I6** Sch. 2 para. 64 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

- 65 (1) Schedule 6 (glossary) is amended as follows.
- (2) At the appropriate place insert—

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| “child arrangements order | section 8(1) of the 1989 Act” |
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- (3) Omit the entry for “residence order”.

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**Commencement Information**

**I7** Sch. 2 para. 65 in force at 22.4.2014 by S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

**Changes to legislation:**

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