

**2003 No. 366 (C. 24)**

**CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES**

**The Adoption and Children Act 2002 (Commencement No.3)  
Order 2003**

*Made - - - - - 22nd February 2003*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 148(1) and (6) of the Adoption and Children Act 2002(a) and of all other powers enabling him in that behalf, after consultation with the National Assembly for Wales(b), other than as respects sections 2(6), 4(6) and (7) and 16 of, and paragraph 3 of Schedule 4 to, that Act, hereby makes the following Order: —

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Adoption and Children Act 2002 (Commencement No. 3) Order 2003.

(2) In this Order—

- (a) “the Act” means the Adoption and Children Act 2002;
- (b) “the Adoption Act” means the Adoption Act 1976(c);
- (c) “the Care Standards Act” means the Care Standards Act 2000(d).

(3) This Order applies to England and article 2(1)(c), (3) and (5) applies to Wales also.

**Appointed days**

2.—(1) 25th February 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 16 of the Act in so far as it inserts section 36A(1) to (4) into the Care Standards Act (distribution of functions in relation to registered adoption societies) and in so far as it relates to the functions conferred under Part II of the Care Standards Act and under the Adoption Act;
- (b) for the purposes of sub-paragraph (a), paragraphs 105 and 106 of Schedule 3 to the Act, paragraph 103 of that Schedule in so far as it relates to those paragraphs, and section 139(1) of the Act (amendments to the Care Standards Act 2000) in so far as it relates to those paragraphs;
- (c) paragraph 4(2) of Schedule 4 to, and section 139(2) of, the Act (regulation of adoption agencies) in so far as it relates to that paragraph.

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(a) 2002 c.38. The power is exercisable, as respects section 148(1), by the Secretary of State. The power is exercisable, as respects section 148(6), by the appropriate Minister who is defined in section 144(1) in relation to England, Scotland or Northern Ireland, as the Secretary of State.

(b) By virtue of section 148(2), the power under subsection (1) is only exercisable (other than an order bringing paragraph 53 of Schedule 3 into force) after the Secretary of State consults the National Assembly for Wales.

(c) 1976 c.36.

(d) 2000 c.14.

(2) 10th March 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) for the purposes of making regulations, paragraph 3 of Schedule 4 to the Act (adoption support services) and section 139(2) of the Act in so far as it relates to that paragraph;
- (b) for the purposes of sub-paragraph (a), sections 2(6), (7) and (8) (basic definitions) and 4(6) and (7) (except paragraph (a) of subsection (7)) of the Act (assessments etc. for adoption support services).

(3) 1st April 2003 is the appointed day for the coming into force of, for the purposes of making regulations, paragraph 12 of Schedule 4 to the Act (restrictions on bringing children into the United Kingdom), except in so far as it inserts subsections (9) and (10) into section 56A of the Adoption Act, and section 139(2) of the Act in so far as it relates to that paragraph.

(4) 30th April 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 16 of the Act in so far as it relates to the functions conferred under Part II of the Care Standards Act and under the Adoption Act and is not already in force;
- (b) paragraphs 105 and 106 of Schedule 3 to the Act in so far as those paragraphs are not already in force, and paragraph 103 of that Schedule and section 139(1) of the Act in so far as they relate to those paragraphs;
- (c) paragraph 110 of Schedule 3 to the Act, and paragraph 103 of that Schedule and section 139(1) of the Act in so far as they relate to that paragraph and in so far as that paragraph relates to the Adoption Act;
- (d) section 139(1) of the Act in so far as it relates to paragraph 103 of Schedule 3 to the Act in so far as that paragraph is brought into force under this paragraph.

(5) 1st June 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 87(1)(b) and (4) of the Act (overseas adoptions);
- (b) section 135 of the Act (adoption and fostering: criminal records);
- (c) Schedule 4—
  - (i) paragraphs 10, 11(a), 12 (foreign adoptions) except in so far as it inserts subsections (9) and (10) into section 56A of the Adoption Act<sup>(a)</sup> and in so far as paragraph 12 is not already in force;
  - (ii) paragraph 13 (interpretation);
  - (iii) paragraph 14 (advertising), andsection 139(2) of the Act in so far as it relates to the paragraphs specified in heads (i) to (iii).

(6) 6th October 2003 is the appointed day for the coming into force of the following provisions of the Act—

- (a) paragraph 3 of Schedule 4 to the Act in so far as that paragraph is not already in force, and section 139(2) of the Act in so far as it relates to that paragraph;
- (b) for the purposes of sub-paragraph (a), sections 2(6), (7) and (8) and 4(6) and (7) (except paragraph (a) of subsection (7)) of the Act in so far as those provisions are not already in force.

Signed by authority of The Secretary of State for Health

22nd February 2003

*Jacqui Smith*  
Minister of State  
Department of Health

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<sup>(a)</sup> Section 56A is inserted into the Adoption Act 1976 by section 14 of the Adoption (Intercountry Aspects) Act 1999. Paragraph 12 of Schedule 4 to the Adoption and Children Act 2002 amends section 56A.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the third Commencement Order made under the Adoption and Children Act 2002 (“the Act”).

This Order brings section 16(1) to (4) of the Act into force on 25th February 2003, and the remainder of the section on 30th April 2003, as respects England, in relation to the functions conferred on registration authorities under Part II of the Care Standards Act 2000 and under the Adoption Act 1976 (article 2(1) and (4)). Section 16 amends the Care Standards Act 2000 and the effect is to enable the registration of voluntary adoption agencies under Part II of that Act.

Article 2(2) of this Order brings into force on 10th March 2003 as respects England and for the purposes of making regulations in respect of adoption support services, paragraph 3 of Schedule 4 to the Act. Article 2(6) brings paragraph 3 of Schedule 4 fully into force as respects England on 6th October 2003.

Article 2(3) of this Order brings into force on 1st April 2003 as respects England and Wales, paragraph 12 of Schedule 4 to the Act for the purposes of making regulations in respect of bringing children into the United Kingdom.

Article 2(5) of this Order brings into force on 1st June 2003 as respects England and Wales—

section 87(1)(b) and (4) of the Act. The effect is to exclude Convention adoptions from falling within the definition of “overseas adoptions” for the purposes of the 1976 Act;

section 135 of the Act. That section amends the Police Act 1997 (c.50) in relation to criminal records as respects adoption and fostering;

paragraphs 10, 11(a), 12 (except in so far as it inserts subsections (9) and (10) into section 56A of the Adoption Act 1976) and 13 of Schedule 4 to the Act. These provisions relate to adoptions with a foreign element;

paragraph 14 of Schedule 4 to the Act amends section 58 of the Adoption Act 1976 (which provides for restrictions on the publication of advertisements) so that publishing an advertisement includes doing so by electronic means.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order—

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Section 16 as to Wales	29 January 2003	2003/181 (W.31) (C. 9)
Section 139(1) (partially)	3 February 2003	2003/288 (C. 14)
Section 139(2) (partially)	3 February 2003	2003/288 (C. 14)
Schedule 3 paragraph 53	3 February 2003	2003/288 (C. 14)
Schedule 4 paragraph 4(1)	3 February 2003	2003/288 (C. 14)

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**£1.75**

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