

2005 No. 2213 (C.92)

CHILDREN AND YOUNG PERSONS

**The Adoption and Children Act 2002 (Commencement No. 9)
Order 2005**

Made - - - -

8th August 2005

The Secretary of State for Education and Skills, in exercise of the powers conferred upon her by sections 140(7) and (8) and 148(1) and (6) of the Adoption and Children Act 2002(a), after consultation with the National Assembly for Wales (b), as respects the provisions of that Act referred to in article 2 and after consultation with the Scottish Ministers and the Department of Health, Social Services and Public Safety (c) as respects sections 123 and 124 of that Act, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Adoption and Children Act 2002 (Commencement No. 9) Order 2005.

(2) In this Order “the Act” means the Adoption and Children Act 2002.

Appointed Day

2. 30th December 2005 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 1 (considerations applying to the exercise of powers);
- (b) section 3(1), (2), (5) and (6) (maintenance of Adoption Service);
- (c) sections 18 to 27 (1), (2), (4) and (5), 28 to 43, 46 to 52, 53(4) to (6), 55 and, in so far as not already in force, section 44 (placement for adoption and adoption orders);
- (d) sections 66 to 76 (status of adopted children);
- (e) sections 77 to 81 and Schedules 1 and 2 in so far as they are not already in force and, section 82 (the Registers);
- (f) sections 83, 84, 86 and 87 in so far as they are not already in force, and sections 85 and 88 to 91 (adoptions with a foreign element);
- (g) sections 92 and 94 in so far as they are not already in force and sections 93 and 95 to 97 (restrictions);

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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 and in relation to Wales, as the National Assembly for Wales.
 - (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) By virtue of section 148(3) the power under subsection (1) is only exercisable in respect of an order bringing sections 123 and 124 into force after the Secretary of State consults the Scottish Ministers and the Department of Health, Social Services and Public Safety.

- (h) sections 99 to 101 (proceedings);
- (i) sections 102 and 103 (officers of the Service);
- (j) sections 104 (evidence), 105 to 107 (Scotland, Northern Ireland and the Islands), and 109 and 110 (avoiding delay and service of notices);
- (k) sections 112 to 114 and, in so far as they are not already in force, sections 115, 117, 121 and 122 (amendments to the Children Act 1989^(a));
- (l) sections 123 and 124 (advertisements in the United Kingdom);
- (m) section 137 (extension of the Hague Convention to British overseas territories);
- (n) section 138 (proceedings in Great Britain); and
- (o) paragraphs 1 to 5, 9 to 12, 14 to 20, 36 to 43, 45 to 52, 54 to 59, 61 to 64, 67 to 81, 85 to 93, 95 to 99, 101, 102, 104, 107 to 109, 114 to 117 and, in so far as they are not already in force paragraphs 60, 103, and 110 of Schedule 3, and section 139(1) in so far as it relates to those paragraphs (minor and consequential amendments).

Appointed day - England

3. 30th December 2005 is the appointed day for the coming into force of the following provisions of the Act in relation to England—

- (a) section 3(3) and (4) in so far as not already in force (maintenance of Adoption Service);
- (b) section 4 in so far as not already in force (assessment etc. for adoption support services);
- (c) sections 6 (arrangements on cancellation of registration);
- (d) section 7 (inactive or defunct adoption societies etc.);
- (e) section 8 in so far as not already in force (adoption support agencies);
- (f) section 12 in so far as not already in force (independent review of determinations);
- (g) section 13 (information concerning adoption);
- (h) section 14 (default power of appropriate Minister);
- (i) section 15 (inspection of premises etc.);
- (j) section 16 in so far as it is not already in force (distribution of functions in relation to registered adoption societies);
- (k) sections 56 to 62 in so far as they are not already in force (disclosure); and
- (l) paragraphs 13, 65, 111 to 113 of Schedule 3 and section 139(1) in so far as it relates to those paragraphs (minor and consequential amendments).

8th August 2005

Beverley Hughes
Minister of State
Department for Education and Skills

^(a) 1989 c.41. By virtue of section 117 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) section 14G of the Children Act 1989 (inserted by section 115 of the 2002 Act) ceases to have effect in relation to England.

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 2 brings into force on 30th December 2005 the following provisions of the Act—

- section 1 (considerations applying to the exercise of powers);
- section 3(1), (2), (5) and (6) (maintenance of Adoption Service);
- sections 18 to 27 (1), (2), (4) and (5), 28 to 43, 44, 46 to 52, 53(4) to (6) and 55 (placement for adoption and adoption orders);
- sections 66 to 76 (status of adopted children);
- sections 77 to 82 and Schedules 1 and 2 (the Registers);
- sections 83 to 91 (adoptions with a foreign element);
- sections 92 to 97 (restrictions);
- sections 99 to 101 (proceedings);
- sections 102 and 103 (officers of the Service),
- section 104 (evidence);
- sections 105 to 107 (Scotland, Northern Ireland and the Islands);
- sections 109 and 110 (avoiding delay and service of notice);
- sections 112 to 115, 117, 121 and 122 (amendments to the Children Act 1989);
- sections 123 and 124 (advertisements in the United Kingdom);
- section 138 (proceedings in Great Britain);
- section 137 (extension of the Hague Convention to British overseas territories);
- paragraphs 1 to 5, 9 to 12, 14 to 20, 36 to 43, 45 to 52, 54 to 59, 60 to 64, 67 to 81, 85 to 93, 95 to 99, 101 to 104, 107 to 110 and 114 to 117 of, and section 139(1) to Schedule 3 to the Act (minor and consequential amendments) in so far as it relates to those paragraphs;

Sections 123 and 124 extend to England, Wales, Scotland and Northern Ireland. Section 138 extends to England, Wales and Scotland. Section 137(1) and (2) extends to the British overseas territories and, the British Nationality Act 1981 which is amended by that section extends to the United Kingdom, Channel Islands and the Isle of Man. The amendments provided for in Schedule 3 to the Act and commenced by article 2 of this Order have the same extent as the enactment to which it relates. All other provisions in article 2 extend to England and Wales.

Article 3 brings into force on 30th December 2005 the following provisions of the Act in relation to England—

- section 3(3) and (4) (maintenance of Adoption Service);
- section 4 (assessments etc. for adoption support services);
- section 6 (arrangements on cancellation of registration);
- section 7 (inactive or defunct adoption societies etc.);
- section 8 (adoption support agencies);
- section 12 (independent review mechanism);
- sections 13 to 16 (supplemental provisions in respect of adoption agencies);
- sections 56 to 62 (disclosure); and
- paragraphs 13, 65, 111 to 113 of Schedule 3 of and section 139(1) to the Act (minor and consequential amendments) in so far as it relates to those paragraphs.

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—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2(1) to (5), (7) and (8)	7 December 2004	2004/3203 (C.139)
Section 2(6) as to England	7 December 2004	2004/3203 (C.139)
Section 2(6), (7) and (8) partially, as respects England	6 October 2003	2003/366 (C.24)
Section 2(6) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 2(7) and (8) partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Section 3(3) and (4) partially, as to England	7 December 2004	2004/3203 (C.139)
Section 3(3) and (4) as to Wales	6 June 2004	2004/1206 (W.78)(C.54)
Section 4(1)(b) and (5) partially, as to Wales	7 February 2004	2004/252 (W.27)(C.9)
Section 4(1)(b) and (5) partially, as to England	7 December 2004	2004/3203 (C.139)
Section 4(6) and (7) as to Wales	7 February 2004	2004/252 (W.27)(C.9)
Section 4(6) and (7) as to England	7 December 2004	2004/3203 (C.139)
Section 4(6) and (7) partially, as respects England	6 October 2003	2003/366 (C.24)
Section 8 partially, as to England	7 December 2004	2004/3203 (C.139)
Section 9 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 9 as to England	7 December 2004	2004/3203 (C.139)
Section 10 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 10 as to England	7 December 2004	2004/3203 (C.139)
Section 11 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 11 as to England	7 December 2004	2004/3203 (C.139)
Section 12(1) to (3) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 12(1) to (3) partially, as to England	7 December 2004	2004/3203 (C.139)
Section 16 as to Wales	29 January 2003	2003/181 (W.31) (C.9)
Section 16 partially, as respects England	30 April 2003	2003/366 (C.24)
Section 27(3) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 27(3) as to England	7 December 2004	2004/3203 (C.139)
Section 44 partially	7 December 2004	2004/3203 (C.139)
Section 45	7 December 2004	2004/3203 (C.139)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 53(1) to (3) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 53(1) to (3) as to England	7 December 2004	2004/3203 (C.139)
Section 54 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 54 as to England	7 December 2004	2004/3203 (C.139)
Section 56(1) and (3) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 56 partially, as to England	7 December 2004	2004/3203 (C.139)
Section 57(5) partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 57(6) as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 57 partially, as to England	7 December 2004	2004/3203 (C.139)
Section 58(2) and (3) partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 58 partially, as to England	7 December 2004	2004/3203 (C.139)
Section 59 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 59 partially, as to England	7 December 2004	2004/3203 (C.139)
Section 60(2) and (4) partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 60(2) and (4) partially, as to England	7 December 2004	2004/3203 (C.139)
Section 61(5)(c) partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 61(5) partially, as to England	7 December 2004	2004/3203 (C.139)
Section 62(7)(c) partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 62(7) partially, s to England	7 December 2004	2004/3203 (C.139)
Section 63 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 63 as to England and as respect subsections (2) to (5) to Scotland and Northern Ireland	7 December 2004	2004/3203 (C.139)
Section 64 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 64 as to England	7 December 2004	2004/3203 (C.139)
Section 65 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 65 as to England and as respect subsections (2)(a) and (3) to Scotland and (2)(b) and (3) to Northern Ireland	7 December 2004	2004/3203 (C.139)
Section 77(3) partially	7 December 2004	2004/3203 (C.139)
Section 78(3) partially	7 December 2004	2004/3203 (C.139)
Section 79(5) and (7) to (9) partially	7 December 2004	2004/3203 (C.139)
Section 80(2), (4) and (6) partially	7 December 2004	2004/3203 (C.139)
Section 81(4) partially	7 December 2004	2004/3203 (C.139)
Section 83(1) to (7) and (9) partially	7 December 2004	2004/3203 (C.139)
Section 84 partially	7 December 2004	2004/3203 (C.139)
Section 86 partially	7 December 2004	2004/3203 (C.139)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 87(1)(a), (2), (5) and (6) partially	7 December 2004	2004/3203 (C.139)
Section 87(1)(b) and (4)	1 June 2003	2003/366 (C.24)
Section 92 partially	7 December 2004	2004/3203 (C.139)
Section 94(1) partially	7 December 2004	2004/3203 (C.139)
Section 98 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 98 as to England	7 December 2004	2004/3203 (C.139)
Section 108	7 December 2004	2004/3203 (C.139)
Section 111	1 December 2003	2003/3079 (C.117)
Section 115 partially	7 December 2004	2004/3203 (C.139)
Section 117 partially	7 December 2004	2004/3203 (C.139)
Section 118	21 May 2004	2004/1403 (C.56)
Section 119	1 April 2004	2003/3079 (C.117)
Section 120	31 January 2005	2004/3203 (C.139)
Section 121	7 December 2004	2004/3203 (C.139)
Section 122(1)(b) and (2)	7 December 2004	2004/3203 (C.139)
Section 135	1 June 2003	2003/366 (C.24)
Section 139(1) partially, as respects Northern Ireland	3 February 2003	2003/288 (C.14)
Partially, as respects England	25 February 2003	2003/366 (C.24)
Partially, as respects England	30 April 2003	2003/366 (C.24)
Partially	28 November 2003	2003/3079 (C.117)
Partially	1 December 2003	2003/3079 (C.117)
Partially	7 December 2004	2004/3203 (C.139)
Section 139(2) partially	3 February 2003	2003/288 (C.14)
Partially	25 February 2003	2003/366 (C.24)
Partially	1 April 2003	2003/366 (C.24)
Partially	1 June 2003	2003/366 (C.24)
Partially, as respects England	6 October 2003	2003/366 (C.24)
Partially, as respects England	1 December 2003	2003/3079 (C.117)
Partially, as respects England	1 April 2004	2003/3079 (C.117)
Partially, as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 139(3) partially	28 November 2003	2003/3079 (C.117)
Schedule 1		
Paragraphs 1 and 3 partially	7 December 2004	2004/3203 (C.139)
Schedule 2		
Paragraph 1 partially	7 December 2004	2004/3203 (C.139)
Schedule 3		
Paragraph 6	1 December 2003	2003/3079 (C.117)
Paragraph 7	1 December 2003	2003/3079 (C.117)
Paragraph 53	3 February 2003	2003/288 (C.14)
Paragraph 60 partially	7 December 2004	2004/3203 (C.139)
Paragraph 103 partially, as respects England	30 April 2003	2003/366 (C.24)
Paragraph 103 partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 105 as respects England	30 April 2003	2003/366 (C.24)
Paragraph 105 as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 106 as respects England	30 April 2003	2003/366 (C.24)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 106 as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 110 partially, as respects England	30 April 2003	2003/366 (C.24)
Paragraph 110 partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 118	28 November 2003	2003/3079 (C.117)
Schedule 4		
Paragraph 3 as respects England	6 October 2003	2003/288 (C.14)
Paragraph 3 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Paragraph 4(1)	3 February 2003	2003/288 (C.14)
Paragraph 4(2)	25 February 2003	2003/366 (C.24)
Paragraph 5 as respects England	1 April 2004	2003/3079 (C.117)
Paragraph 5 as to Wales	7 February 2004	2004/252 (W.27) (C.9)
Paragraph 10	1 June 2003	2003/366 (C.24)
Paragraph 11 partially	1 June 2003	2003/366 (C.24)
Paragraph 12 partially	1 June 2003	2003/366 (C.24)
Paragraph 13	1 June 2003	2003/366 (C.24)
Paragraph 14	1 June 2003	2003/366 (C.24)
Schedule 5		
Partially	28 November 2003	2003/3079 (C.117)

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Order 2005

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