

2007 No. 2287 (C.86)

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

**CHILDREN AND YOUNG PERSONS, NORTHERN
IRELAND**

**The Children and Adoption Act 2006 (Commencement No. 1)
Order 2007**

Made - - - -

1st August 2007

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by section 17(2) of the Children and Adoption Act 2006(a), and after consultation with the Welsh Ministers(b) and the Department of Health, Social Services and Public Safety in Northern Ireland(c), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Children and Adoption Act 2006 (Commencement No. 1) Order 2007.

(2) In this Order, “the Act” means the Children and Adoption Act 2006.

Appointed days

1.—(1) 2nd August 2007 is the appointed day for the coming into force of the following provisions of the Act—

- (a) for the purpose of making regulations, section 11 (the special restrictions),
- (b) for the purpose of making regulations, section 12(1) and (7) (imposition of extra conditions in certain cases), and
- (c) section 14(3) (other amendments relating to adoptions from abroad).

(2) 1st October 2007 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 6 (provision as to family assistance orders),
- (b) section 7 (risk assessments),

(a) 2006 c.20.

(b) By virtue of section 17(4), the Secretary of State must consult the National Assembly for Wales before making an order under section 17(2). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(c) By virtue of section 17(5), the Secretary of State must consult the Department of Health, Social Services and Public Safety in Northern Ireland before making an order under section 17(2) bringing sections 9 to 12 of the Act into force.

- (c) section 14(1) and (2) (other amendments relating to adoptions from abroad), and
- (d) section 15(2) and Schedule 3 (repeals) in so far as they relate to section 16(3)(a) of the Children Act 1989^(a).

1st August 2007

Kevin Brennan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

^(a) 1989 c.41.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first Commencement Order made by the Secretary of State under the Children and Adoption Act 2006 (“the Act”). (Section 13 of the Act was brought into force, in relation to Wales, on 2nd April 2007 by the Children and Adoption Act 2006 (Commencement No. 1) (Wales) Order 2007, S.I. 2007/733 (W.65) (C.31).)

Article 2(1)(a) and (b) of this Order bring into force section 11 and section 12(1) and (7) of the Act on 2nd August 2007 for the purpose of making regulations relating to special restrictions on adoptions from abroad and to the imposition of extra conditions in certain cases. These sections of the Act extend to England and Wales and to Northern Ireland.

Article 2(1)(c) brings into force section 14(3) of the Act on 2nd August 2007. Section 14(3) amends Schedule 8 to the Children Act 1989 so that a child brought into the United Kingdom is not a privately fostered child if a local authority has been given notice of an intention to apply for an adoption order in respect of the child in accordance with section 44(2) of the Adoption and Children Act 2002. Section 14(3) of the Act extends to England and Wales.

Article 2(2) brings into force sections 6 (and a related repeal), 7 and 14(1) and (2) of the Act on 1st October 2007. Section 6 amends section 16 of the Children Act 1989 in respect of family assistance orders. Section 7 of the Act inserts a new section 16A into the Children Act 1989, placing a duty on an officer of the Children and Family Court Advisory and Support Service or a Welsh family proceedings officer to make a risk assessment and provide it to the Court where, when carrying out any function in connection with certain family proceedings or orders made in such proceedings, he has cause to suspect that the child concerned is at risk of harm. Section 14(1) extends to twelve months the six month period in section 83(1)(b) of the Adoption and Children Act 2002 (restrictions on bringing children into the United Kingdom); by virtue of section 14(2), the amendment made by section 14(1) applies only in relation to a child adopted outside the British Islands under an adoption effected after section 14(1) comes into force. Sections 6, 7, and 14(1) and (2) of the Act extend to England and Wales.

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