

SCHEDULE 1

CONSEQUENTIAL MODIFICATIONS: GENERAL

PART 1

AMENDMENT OF ACTS

Adoption and Children Act 2002 (c.38)

6.—(1) The Adoption and Children Act 2002 is amended as follows.

(2) In section 47 (conditions for making adoption orders)(1)—

(a) in subsection (6) for the words from “is free” to “Northern Ireland” (where first appearing) substitute—

“—

(a) is the subject of a Scottish permanence order which includes provision granting authority for the child to be adopted, or

(b) is free for adoption by virtue of an order made,”;

(b) after subsection (9) insert—

“(10) In this section, “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)).”.

(3) In section 85(2)(b) (restrictions on taking children out) for “section 49 of the Adoption (Scotland) Act 1978 (c.28)” substitute “section 59 of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)”.

(4) In section 96(1) (excepted payments) after “the Adoption (Scotland) Act 1978 (c.28)” insert “, the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)”.

(5) In section 105 (effect of certain Scottish orders and provisions)—

(a) in subsection (2) from the beginning to the words “effect in Scotland” substitute “A Scottish permanence order which includes provision granting authority for the child to be adopted has the same effect in England and Wales as it has in Scotland”;

(b) for subsection (3) substitute—

“(3) Any person who contravenes any of the provisions of the Adoption and Children (Scotland) Act 2007 mentioned in subsection (3A) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale or both.

(3A) The provisions are—

(a) section 20 (restrictions on removal: child placed for adoption);

(b) section 21 (restrictions on removal: notice of intention to adopt given);

(c) section 22 (restrictions on removal: application for adoption order pending).”;

(c) in subsection (4) for “section 29 of that Act (order to return or not to remove child)” substitute “section 24 of the Adoption and Children (Scotland) Act 2007 (return of child removed in breach of certain provisions)”;

(1) Section 47 was amended by the Civil Partnership Act 2004 (c.33), section 79.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(d) after subsection (4) insert—

“(5) In this section, “Scottish permanence order” means a permanence order under section 80 of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions Order 2009 (S.S.I. 2009/267)).”.

(6) In section 107 (use of adoption records from other parts of the British Islands) for paragraph (a) substitute—

“(a) in Scotland under section 56(1) or (2) of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#) (admissibility of extracts as evidence),”.

(7) In section 144 (general interpretation etc.)⁽²⁾ in the definition of “Scottish adoption order” at the end insert “or section 28(1) of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)”.

(8) In Schedule 2 (disclosure of birth records by Registrar General), in paragraph 3(1)(b) for “section 45 of the Adoption (Scotland) Act 1978 (c.28)” substitute “section 55(4)(b) of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)”.

(2) Section 144 was amended by the Courts Act 2003 (c.39), Schedule 8, paragraph 414 and by the Civil Partnership Act 2004 (c.33), section 79.