SCHEDULE 2   Article 3

CONSEQUENTIAL MODIFICATIONS: ENGLAND
AND WALES AND NORTHERN IRELAND

PART 1

AMENDMENT OF ACTS

Child Abduction and Custody Act 1985 (c.60)

1.—(1) Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders)(**1**) is amended as follows.

(2) In paragraph 5 after sub-paragraph (vi) insert—

"(vii) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4));

(viii) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.".

(3) After paragraph 5 insert—

"**5A.** The reference in paragraph 5(viii) to a permanence order includes 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.".

Family Law Act 1986 (c.55)

2.—(1) Section 1 of the Family Law Act 1986 is amended as follows.

(2) In subsection (1)(b) (orders to which Part 1 applies) after sub-paragraph (ix), insert—

"(x) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4));

(xi) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.".

(3) After subsection (3) insert—

"(3A) In subsection (1)(b)(xi) "permanence order" includes 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.".

Children (Scotland) Act 1995 (c.36)

3.—(1) The Children (Scotland) Act 1995 is amended as follows.

(2) In section 44 (prohibition of publication of proceedings at children's hearing)(**2**), at the end insert—

"(6) The requirements of subsection (1) do not apply in relation to the publication by or on behalf of a local authority or an adoption agency (within the meaning of the Adoption and Children (Scotland) Act 2007 (asp 4)) of information about a child for the purposes of making arrangements in relation to the child under this Act or that Act.".

(**1**) Paragraph 5 was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4. Sub-paragraphs (vii) and (viii) were inserted by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, extending to Scotland only.

(**2**) Section 44 was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.

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(3) In subsection (2) of section 93 (interpretation of Part 2)(**3**), after paragraph (b) of the definition of "relevant person" insert—

"(ba)   any person in whom parental responsibilities or parental rights are vested by, under or by virtue of a permanence order (as defined in section 80(2) 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);".

Adoption (Intercountry Aspects) Act 1999 (c.18)

4. In section 1 of the Adoption (Intercountry Aspects) Act 1999 (regulations giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption)(**4**), after subsection (6) insert—

"(7) References in this section to enactments include references to Acts of the Scottish Parliament.".

Adoption and Children Act 2002 (c.38)

5. In section 123(3)(a) of the Adoption and Children Act 2002 (restriction on advertisements etc.)(**5**) after "(N.I. 22)" insert "or section 60 or 75 of the Adoption and Children (Scotland) Act 2007 (asp 4)".

Income Tax (Trading and Other Income) Act 2005 (c.5)

6. In section 745 of the Income Tax (Trading and Other Income) Act 2005(**6**)—

(a) in paragraph (a), for the words from "or" where it first occurs, to "court)", substitute "which is an excepted payment by virtue of paragraph (a) or (c) of subsection (2) of section 73 of the Adoption and Children (Scotland) Act 2007 (asp 4),";

(b) in paragraph (b), for the words from "under" to the end of the paragraph, substitute "which are excepted payments by virtue of paragraph (b) of that subsection,"; and

(c) in paragraph (d), for "section 51A" substitute "section 71".

PART 2

AMENDMENT OF SECONDARY LEGISLATION

The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003 (S.I. 2003/499)

7.—(1) The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003(**7**) are amended as follows.

(2) In Schedule 1 (application of Part 12ZA of the Act to adoptions from overseas), in the entry modifying section 171ZJ(1), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

(3) In Schedule 2 (application of Part 12ZB of the Act to adoptions from overseas), in the entry modifying section 171ZS(1), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

(**3**)   Section 93(2) was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**4**)   Subsection (7) was inserted, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**5**)   Section 123(3) was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedules 2 and 3.
(**6**)   Section 745 was amended by the Finance (No. 3) Act 2010 (c.33), section 2 and, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**7**)   Amended by S.I. 2004/488 and S.I. 2010/153 and, for Scotland only, by S.S.I. 2011/159.

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The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (S.I. 2003/921)

8. In regulation 4(2)(b) (interpretation) of the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003(**8**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Administration) Regulations 2003 (S.I 2003/1192)

9. In regulation 3(2)(d) (application of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 to adoptions from overseas) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Administration) Regulations 2003(**9**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003 (S.I. 2003/1194)

10. In regulation 2(1) (interpretation and scope) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003(**10**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

PART 3

REPEALS AND REVOCATIONS

Enactment	*Extent of repeal or revocation*
Health and Social Services and Social Security Adjudications Act 1983 (c.41)	In Schedule 2, paragraphs 38 to 45.
Child Abduction and Custody Act 1985 (c.60)	In Schedule 3, paragraph 5(ii) and (iia).
Family Law Act 1986 (c.55)	Section 1(1)(b)(ii) and (iii). In Schedule 1, paragraph 31.
Children Act 1989 (c.41)	Section 88(2). In Schedule 10, Part 2.
Human Fertilisation and Embryology Act 1990 (c.37)	In Schedule 4, paragraph 6.

(**8**)   Amended by S.I. 2005/2114 and for Scotland only, by S.S.I. 2011/159.
(**9**)   Amended, for Scotland only, by S.S.I. 2011/159.
(**10**)   Amended by S.I. 2004/488 and S.I. 2005/2114 and, for Scotland only, by S.S.I. 2011/159.

Enactment	Extent of repeal or revocation
Adoption (Intercountry Aspects) Act 1999 (c.18)	Section 18(2). In Schedule 2, paragraphs 2(a) and 4.
Care Standards Act 2000 (c.14)	In Schedule 4, paragraph 6.
Adoption and Children Act 2002 (c.38)	In section 123(3)(a), the words "section 11 or 50 of the Adoption (Scotland) Act 1978 (c.28) or". Sections 132 to 134. In Schedule 3, paragraphs 21 to 35 and 84.
Income Tax (Trading and Other Income) Act 2005 (c.5)	Section 745(c)**(11)**.
The Ordinary Statutory Paternity Pay (Adoption), Additional Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoption from Overseas) (Persons Abroad and Mariners) Regulations 2010 (S.I. 2010/150)	In regulation 4(2)(d), in the definition of "relevant central authority", the words "Part 3 of".
The Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations 2010 (S.I. 2010/1057)	In regulation 2(1), in sub-paragraph (b) of the definition of "relevant central authority" the words "Part 3 of".
The Additional Paternity Leave (Adoptions from Overseas) Regulations 2010 (S.I. 2010/1059)	In regulation 2(1), in sub-paragraph (b) of the definition of "relevant central authority" the words "Part 3 of"**(12)**.
The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2469)**(13)**.	The whole Order.
The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) (Amendment) Order 2011 (S.I. 2011/1345).	The whole Order.

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(11) All the repeals to primary legislation in this Schedule have been made, for Scotland only, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 3.
(12) The repeals for the statutory instruments in this Schedule have been made, for Scotland only, by S.S.I. 2011/159.
(13) Amended by S.I. 2011/1345.