

SCHEDULE 2

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.

Status: This is the original version (as it was originally made).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

(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;”;
- (c) in paragraph (d), for “section 51A” substitute “section 71”.

(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.