

2005 No. 2897 (C.123)

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

**The Adoption and Children Act 2002 (Commencement No. 10
Transitional and Savings Provisions) Order 2005**

Made - - - -

15th October 2005

ARRANGEMENT OF ARTICLES

PART 1

INTRODUCTORY

1. Citation and interpretation

PART 2

COMMENCEMENT

2. Appointed day

PART 3

TRANSITIONAL ARRANGEMENTS

3. Cases in progress under the Agencies Regulations 1983 on the appointed day
4. Case of child free for adoption
5. Child ceasing to be a protected child
6. Hague Convention cases in progress on the appointed day
7. Non-Convention adoptions – conditions to be met by prospective adopters under section 83(5) of the 2002 Act
8. Non-Convention and Hague Convention cases – functions imposed on the local authority following receipt of notice of intention to adopt
9. Restrictions on removal of children - pending applications for adoption and freeing orders
10. Pending applications for freeing orders
11. Pending applications for adoption orders in non-agency cases
12. Pending applications under section 53 or 55 of the 1976 Act

PART 4

SAVINGS PROVISIONS

13. Records and disclosure of adoption information

14. Parental orders
15. Local Authority Adoption Service
16. Voluntary Adoption Agencies

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 140(7) and (8), 142(5) and 148(1) of the Adoption and Children Act 2002(a), after consultation with the National Assembly for Wales(b), makes the following Order:–

PART 1

INTRODUCTORY

Citation and interpretation

1.—(1) This Order may be cited as the Adoption and Children Act 2002 (Commencement No. 10 Transitional and Savings Provisions) Order 2005.

(2) In this Order—

“the 1976 Act” means the Adoption Act 1976(c);

“the 2002 Act” means the Adoption and Children Act 2002;

“the Agencies Regulations 1983” means the Adoption Agencies Regulations 1983(d);

“the Agencies Regulations 2005” means the Adoption Agencies Regulations 2005(e);

“the appointed day” means 30th December 2005;

“the Foreign Element Regulations” means the Adoptions with a Foreign Element Regulations 2005(f);

“the Hague Convention Regulations” means the Intercountry Adoption (Hague Convention) Regulations 2003(g);

“the Private Fostering Regulations” means the Children (Private Arrangements for Fostering) Regulations 2005(h);

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(i).

(3) A reference in this Order to “the corresponding Welsh provision” in relation to a provision in regulations that apply only in relation to England, is to the corresponding provision in regulations that apply only in relation to Wales.

(a) 2002 c.38. The power in section 148(1) is exercisable by the Secretary of State.

(b) By virtue of section 148(2) before making an order under subsection (1) (other than an order bringing paragraph 53 of Schedule 3 into force) the Secretary of State must consult the National Assembly for Wales.

(c) 1976 c. 36.

(d) S.I. 1983/1964. Relevant amendments are made by S.I. 1997/649, S.I. 1997/2308, S.I. 2002/3220, S.I. 2003/367, S.I. 2004/190, and S.I. 2005/774.

(e) S.I. 2005/389.

(f) S.I. 2005/392.

(g) S.I. 2003/118.

(h) S.I. 2005/1533.

(i) 1971 c.80.

PART 2

COMMENCEMENT

Appointed day

2. 30th December 2005 is the day appointed by the Secretary of State for the coming into force of the following provisions of the 2002 Act—

- (a) paragraphs 1, 2, 6 to 8, 17 to 22 of Schedule 4 and section 139(2) in so far as it relates to those paragraphs; and
- (b) section 139(3) and Schedule 5 except in so far as they relate to any of the following provisions—
 - (i) sections 50, 52, 53(2) and 65(1) of the Adoption (Scotland) Act 1978(a);
 - (ii) section 40(2)(a) of the Matrimonial and Family Proceedings Act 1984(b); and
 - (iii) section 14 of the Adoption (Intercountry Aspects) Act 1999(c).

PART 3

TRANSITIONAL ARRANGEMENTS

Cases in progress under the Agencies Regulations 1983 on the appointed day

3.—(1) In relation to a case that is still in progress on the appointed day, the general rule is that any action or decision taken before the appointed day under a provision of the Agencies Regulations 1983 shall, on or after the appointed day, be treated as if it were an action or decision under the corresponding provision of the Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005(d).

(2) That rule is subject to the following exceptions.

(3) Where, before the appointed day, an adoption panel has considered—

- (a) whether adoption is in the best interests of the child;
- (b) whether a prospective adopter is suitable to adopt a child; or
- (c) whether a child should be placed for adoption with a particular prospective adopter,

and no decision on that question has been made by the adoption agency before the appointed day, the Agencies Regulations 1983 shall continue to apply for the purposes of making that decision.

(4) Where an adoption agency is minded to make a decision under the Agencies Regulations 1983 (whether before the appointed day or, by virtue of paragraph (3), on or after that day) as to whether a prospective adopter is suitable to adopt a child, the Agencies Regulations 1983 and the Independent Review of Determinations (Adoption) Regulations 2004(e) shall continue to apply for the purposes of making representations or reviewing any qualifying determination in relation to that decision.

(5) Where paragraph (4) applies the periods of 28 days and 7 days specified in regulation 11A of the Agencies Regulations 1983 shall be increased to 40 working days and 10 working days respectively.

(6) Where an adoption agency has made a decision under the Agencies Regulations 1983 (whether before the appointed day or, by virtue of paragraph (3), on or after that day) that a prospective adopter is suitable to adopt a particular child—

(a) 1978 c.28.

(b) 1984 c.42.

(c) 1999 c.18.

(d) S.I. 2005/1514 (W.95).

(e) S.I. 2004/190, amended by S.I. 2004/1081 and S.I. 2004/1868.

- (a) the Agencies Regulations 1983 shall continue to apply for the purposes of placing the child with that prospective adopter and section 18 of the 2002 Act (placement for adoption by agencies) shall not apply to any such placement; and
- (b) any such placement shall be treated as if it were made under the Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005.

(7) Where a child is placed for adoption by an adoption agency before the appointed day or paragraph (6) applies, section 22 of the 2002 Act (applications for placement orders) shall not apply.

Case of child free for adoption

4. Where on or after the appointed day a child is free for adoption by virtue of a freeing order made under section 18 of the 1976 Act (freeing child for adoption) but is not placed for adoption—

- (a) the adoption agency may place the child for adoption and sections 18 (placement for adoption by agencies) and 22 (applications for placement orders) of the 2002 Act shall not apply; and
- (b) regulation 36 of the Agencies Regulations 2005 (placement and reviews) or the corresponding Welsh provision shall apply as if—
 - (i) the adoption agency was authorised to place the child for adoption but the child is not for the time being placed for adoption; and
 - (ii) the child was subject to a placement order.

Child ceasing to be a protected child

5.—(1) This article applies where, in consequence of the repeal of sections 32 to 36 of the 1976 Act (protected children), a child ceases to be a protected child and becomes a privately fostered child within the meaning of section 66 of the Children Act 1989(a).

(2) If the person who is fostering the child privately is disqualified from doing so by regulations under section 68 of that Act(b), he shall be treated for the purposes of those regulations as having obtained the consent of the local authority until such time as the local authority notify him that such consent is refused.

(3) The person who is fostering the child privately shall not be taken to be in breach of regulation 5 of the Private Fostering Regulations (notification by person already fostering a child privately) or the corresponding Welsh provision if—

- (a) he has already provided the local authority with the information required under that regulation (whether by way of a notice of intention to adopt or otherwise); or
- (b) he has not provided that information, but does so no later than 30th January 2006.

(4) The local authority must, in so far as they have not already done so, discharge their functions under regulation 7 of the Private Fostering Regulations (action to be taken by local authority on receipt of notification about a child being fostered privately) or the corresponding Welsh provision no later than 7th February 2006.

(5) For the purposes of regulation 8 of the Private Fostering Regulations (subsequent visits) and the corresponding Welsh provision the private fostering arrangement shall be treated as beginning on the appointed day.

(a) 1989 c.41.

(b) See the Disqualification from Caring for Children (England) Regulations 2002, S.I. 2002/635 and the Disqualification from Caring for Children (Wales) Regulations 2004, S.I. 2004/2695 (W.235).

Hague Convention cases in progress on the appointed day

6.—(1) In relation to a case that is still in progress on the appointed day the general rule is that any action or decision taken before the appointed day under a provision of the Hague Convention Regulations shall, on or after the appointed day, be treated as if it were an action or decision taken under the corresponding provision of Part 3 of the Foreign Element Regulations.

(2) That rule is subject to the following exceptions.

(3) Where, before the appointed day, an adoption panel has considered—

- (a) whether or not adoption by a person habitually resident in a Convention country^(a) outside the British Islands is in the best interests of the child; or
- (b) whether a prospective adopter is suitable to adopt a child,

and no decision on that question has been made by the adoption agency before the appointed day, the Hague Convention Regulations shall continue to apply for the purposes of making that decision.

(4) Where an adoption agency is minded to make a decision under the Hague Convention Regulations (whether before the appointed day or, by virtue of paragraph (3), on or after that day) as to whether a prospective adopter is suitable to adopt a child, the Hague Convention Regulations and the Independent Review of Determinations (Adoption) Regulations 2004 shall continue to apply for the purposes of making representations or reviewing any qualifying determination in relation to that decision and the periods of 28 days and 7 days specified in regulation 10 of the Hague Convention Regulations shall be increased to 40 working days and 10 working days respectively.

Non-Convention adoptions – conditions to be met by prospective adopters under section 83(5) of the 2002 Act

7.—(1) This paragraph applies in a case where, before the appointed day, the prospective adopter received notification from the Secretary of State that she had issued the certificate referred to in regulation 5(a) of the Adoption (Bringing Children into the United Kingdom) Regulations 2003^(b).

(2) Where paragraph (1) applies and the prospective adopter has visited the child but the child has not entered the United Kingdom before the appointed day, regulation 4(2)(b) to (d) of the Foreign Element Regulations shall not apply.

(3) Where paragraph (1) applies and the child has entered the United Kingdom but the prospective adopter had not, before the appointed day, given notice of intention to adopt pursuant to regulation 5(b) of the Adoption (Bringing Children into the United Kingdom) Regulations 2003, regulation 4(2)(b) to (d) and (3) of the Foreign Element Regulations shall not apply.

Non-Convention and Hague Convention cases – functions imposed on the local authority following receipt of notice of intention to adopt

8.—(1) In a case where notice of intention to adopt is given before the appointed day by a prospective adopter as a consequence of regulation 5(b) of the Adoption (Bringing Children into the United Kingdom) Regulations 2003 or regulation 15 of the Hague Convention Regulations, regulation 5 of the Foreign Element Regulations shall apply subject to paragraphs (2) and (3).

(2) Where the local authority have not visited the child and prospective adopter prior to the appointed day and more than one week has elapsed since the receipt of the notice of intention to adopt, 30th December 2005 shall be treated as the date of receipt of that notice for the purposes of regulation 5(1)(e) and (f) of the Foreign Element Regulations.

(3) Where the local authority have visited the child and prospective adopter prior to the appointed day—

(a) See section 144(1) of the 2002 Act.

(b) S.I. 2003/1173.

- (a) the authority must, if they have not already done so, carry out the functions in respect of reviews and frequency of visits imposed by regulation 5(e) to (h) of the Foreign Element Regulations; and
- (b) in the case where the review considering the matters referred to in regulation 5(1)(g) of the Foreign Element Regulations has not taken place before the appointed day, 30th December 2005 shall be treated as the date of receipt of the notice of intention to adopt for the purposes of regulation 5(1)(f).

Restrictions on removal of children – pending applications for adoption and freeing orders

9. Notwithstanding the repeal of the provisions in the 1976 Act set out in Schedule 5 to the 2002 Act, sections 27 and 29 of the 1976 Act shall continue to have effect where—

- (a) an application for an adoption order under section 12 of the 1976 Act (adoption orders); or
- (b) an application for an order under section 18 of the 1976 Act (freeing for adoption),

has been made and has not been disposed of immediately before the appointed day.

Pending applications for freeing orders

10. Nothing in the 2002 Act affects any application for an order under section 18 of the 1976 Act (freeing for adoption) where—

- (a) the application has been made and has not been disposed of immediately before the appointed day; and
- (b) the child in relation to whom the application is made is not immediately before the appointed day placed for adoption by the adoption agency.

Pending applications for adoption orders in non-agency cases

11. Nothing in the 2002 Act affects any application for an adoption order under section 12 of the 1976 Act (adoption orders) in relation to a child in respect of whom—

- (a) notice has been given to the local authority by virtue of section 22 of the 1976 Act; and
- (b) the application has been made and has not been disposed of immediately before the appointed day.

Pending applications under section 53 or 55 of the 1976 Act

12. Nothing in the 2002 Act affects any application under section 53 (annulment, etc. of overseas adoptions) or 55 (adoption of children abroad) of the 1976 Act, where the application has been made and has not been disposed of immediately before the appointed day.

PART 4

SAVINGS PROVISIONS

Records and disclosure of adoption information

13. Notwithstanding the repeal of the provisions of the 1976 Act set out in Schedule 5 to the 2002 Act, in the case of a person adopted before the appointed day—

- (a) the Agencies Regulations 1983 shall continue to have effect in so far as they relate to the retention, storage, transfer and disclosure of information in relation to that person's adoption; and
- (b) section 9 of the 1976 Act shall continue to have effect for the purposes of amending or revoking those Regulations.

Parental orders

14.—(1) Notwithstanding the repeal of the provisions of the 1976 Act set out in Schedule 5 to the 2002 Act, the 1976 Act shall continue to have effect for the purpose of its application, with such modifications (if any) as may be specified in regulations under section 30(9) of the Human Fertilisation and Embryology Act 1990(a), in relation to orders under section 30 of that Act and applications for such orders.

(2) In regulation 2 (application of Adoption Act 1976 provisions with modifications to parental orders and applications for such orders) of the Parental Orders (Human Fertilisation and Embryology) Regulations 1994(b), for “as they have effect” substitute “as they had effect, prior to 30th December 2005,”.

(3) In article 2(o) of the Adoption and Children Act 2002 (Commencement No. 9) Order 2005(c), for “67 to 81” substitute “67 to 78, 80, 81”.

Local Authority Adoption Service

15. The repeal of the provisions of the 1976 Act set out in Schedule 5 to the 2002 Act shall not affect the operation of the Local Authority Adoption Service (England) Regulations 2003(d).

Voluntary Adoption Agencies

16. The repeal of the provisions of the 1976 Act set out in Schedule 5 to the 2002 Act shall not affect the operation of Parts 1 to 4 of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003(e).

15th October 2005

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

(a) 1990 c.37.
(b) S.I. 1994/2767.
(c) S.I. 2005/2213 (C.92).
(d) S.I. 2003/370.
(e) S.I. 2003/367.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the tenth Commencement Order made under the Adoption and Children Act 2002 (“the Act”). In addition to bringing into force further provisions of the Act, it makes a number of transitional and savings provisions.

Article 2 brings into force on 30th December 2005 a number of provisions of the Act.

Article 2(a) brings into force paragraphs 1, 2, 6 to 8, and 17 to 22 of Schedule 4 and section 139(2) in so far as it relates to those paragraphs. Schedule 4 is concerned with transitional and transitory provisions and savings and section 139(2) gives effect to it. Paragraph 1 of Schedule 4 sets out the general rules for continuity while paragraph 2 makes a general rule for old savings. Paragraphs 6, 7 and 8 are concerned, respectively, with pending applications for freeing orders, freeing orders and pending applications for adoption orders. Paragraphs 17 to 19 are concerned with the status of adopted children, paragraph 20 with the registration of adoptions, 21 with the effect on the application of the Child Abduction Act 1984 and 22 with the effect on the application of the Courts and Legal Services Act 1990.

Article 2(b) brings into force section 139(3) and Schedule 5 (repeals) except in so far as they relate to—

sections 50, 52, 53(2) and 65(1) of the Adoption (Scotland) Act 1978;
section 40(2)(a) of the Matrimonial and Family Proceedings Act 1984; and
section 14 of the Adoption (Intercountry Aspects) Act 1999.

All the provisions set out in Schedule 5 are repealed save for those listed above.

Part 3 of the Order is concerned with transitional arrangements.

Article 3 sets out, with exceptions, the general rule for how cases in progress under the Adoption Agencies Regulations 1983 on 30th December 2005 should be dealt with. Article 4 makes transitional provision for the case of a child free for adoption by virtue of a freeing order made under section 18 of the Adoption Act 1976 (“the 1976 Act”).

Article 5 is concerned with the transitional arrangements in the case of a child who because of the repeal of sections 32 to 36 of the 1976 Act ceases to be a protected child and so becomes a privately fostered child.

Articles 6 to 8 make transitional arrangements in relation to intercountry adoption cases. Article 6 sets out a general rule, with exceptions, for Hague Convention cases in progress on 30th December 2005. Article 7 makes transitional provision concerning the conditions to be met by prospective adopters in non-Convention cases; article 8 regarding the functions on local authorities after receiving a notice of intention to adopt, in both non-Convention and Hague Convention cases.

Article 9 is concerned with restrictions on removal of children when an application for an order under section 12 (adoption orders) or section 18 (freeing for adoption) of the 1976 Act is pending on 30th December; article 10 is about applications for freeing orders pending on 30th December 2005; article 11 about pending application for adoption orders in non-agency cases; and article 12 is concerned with applications under section 53 (annulment, etc. of overseas adoptions) or 55 (adoption of children abroad) of the 1976 Act which have been made but not disposed of immediately before 30th December 2005.

Part 4 of the Order makes savings provisions in relation to records and the disclosure of adoption information (article 13); parental orders under section 30 of the Human Fertilisation and Embryology Act 1990 (article 14); the Local Authority Adoption Service (England) Regulations 2003 (article 15); and voluntary adoption agencies (article 16).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been or will be 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>
(a)*Section 1	30 December 2005	2005/2213 (C.92)
Section 2(1) to (5), (7) and (8)	7 December 2004	2004/3203 (C.139)
Section 2(6) in relation to England	7 December 2004	2004/3203 (C.139)
Section 2(6), (7) and (8) partially, in relation to England	6 October 2003	2003/366 (C.24)
Section 2(6) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 2(7) and (8) partially, in relation to Wales	28 November 2003	2003/3079 (C.117)
*Section 3(1), (2), (5) and (6)	30 December 2005	2005/2213 (C.92)
Section 3(3) and (4) partially, in relation to England	7 December 2004	2004/3203 (C.139)
Section 3(3) and (4) in relation to Wales	6 June 2005	2005/1206 (W.78)(C.54)
*Section 3(3) and (4) in relation to England	30 December 2005	2005/2213 (C.92)
*Section 4(1)(a) in relation to England	30 December 2005	2005/2213 (C.92)
Section 4(1)(b) and (5) partially in relation to Wales	7 February 2004	2004/252 (W.27)(C.9)
Section 4(1)(b) and (5) partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 4(1)(b) and (5) in relation to England	30 December 2005	2005/2213 (C.92)
*Section 4(2) to (4) in relation to England	30 December 2005	2005/2213 (C.92)
Section 4(6) and (7)(b) to (i) partially, in relation to England	10 March 2003	2003/366 (C.24)
Section 4(6) and (7)(b) to (i) partially, in relation to England	6 October 2003	2003/366 (C.24)
Section 4(6) and (7)(b) to (i) in relation to England	7 December 2004	2004/3203 (C.139)
Section 4(7)(a) in relation to England	7 December 2004	2003/3203 (C.139)
Section 4(6) and (7) in relation to Wales	7 February 2004	2004/252 (W.27)(C.9)
*Section 4(8) to (11) in relation to England	30 December 2005	2005/2213 (C.92)
*Section 6 in relation to England	30 December 2005	2005/ 2213(C.92)
*Section 7 in relation to England	30 December 2005	2005/2213 (C.92)
Section 8 partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 8 in relation to England	30 December 2005	2005/2213 (C.92)

(a) On the date this Commencement Order is made the commencement date of provisions marked * has not been reached. The other provisions noted have been commenced fully but for the sake of completeness the commencement dates have been set out.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 9 in relation to England	7 December 2004	2004/3203 (C.139)
Section 10 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 10 in relation to England	7 December 2004	2004/3203 (C.139)
Section 11 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 11 in relation to England	7 December 2004	2004/3203 (C.139)
Section 12(1) to (3) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 12(1) to (3) partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 12 in relation to England	30 December 2005	2005/2213 (C.92)
*Sections 13 to 15 in relation to England	30 December 2005	2005/2213 (C.92)
Section 16 in relation to Wales	1 February 2003	2003/181 (W.31) (C.9)
Section 16 partially, in relation to England	25 February 2003	2003/366 (C. 24)
Section 16 partially, in relation to England	30 April 2003	2003/366 (C. 24)
*Section 16 in relation to England	30 December 2005	2005/2213 (C. 92)
*Section 18 to 26	30 December 2005	2005/2213 (C.92)
*Section 27(1), (2), (4) and (5)	30 December 2005	2005/2213 (C.9)
Section 27(3) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 27(3) in relation to England	7 December 2004	2004/3203 (C.139)
*Sections 28 to 43	30 December 2005	2005/2213 (C.92)
Section 44 partially	7 December 2004	2004/3203 (C.139)
*Section 44	30 December 2005	2005/2213 (C.92)
Section 45	7 December 2004	2004/3203 (C.139)
*Sections 46 to 52	30 December 2005	2005/2213 (C.92)
Section 53(1) to (3) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 53(1) to (3) in relation to England	7 December 2004	2004/3203 (C.139)
*Section 53(4) to (6)	30 December 2005	2005/2213 (C.92)
Section 54 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 54 in relation to England	7 December 2004	2004/3203 (C.139)
*Section 55	30 December 2005	2005/2213 (C.92)
Section 56(1) and (3) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 56 partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 56 in relation to England	30 December 2005	2005/2213 (C.92)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 57 partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 57 in relation to England	30 December 2005	2005/2213 (C.92)
Section 57(5) partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 57(6) in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 58 partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 58 in relation to England	30 December 2005	2005/2213 (C.92)
Section 58(2) and (3) partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 59 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 59 partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 59 in relation to England	30 December 2005	2005/2213 (C.92)
*Section 60(1), (3) and (5) in relation to England	30 December 2005	2005/2213 (C.92)
Section 60(2) and (4) partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 60(2) and (4) partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 60(2) and (4) in relation to England	30 December 2005	2005/2213 (C.92)
*Section 61(1) to (4) and (6) in relation to England	30 December 2005	2005/2213 (C.92)
Section 61(5) partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 61(5) in relation to England	30 December 2005	2005/2213 (C.92)
Section 61(5)(c) partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
*Section 62(1) to (6) and (8) in relation to England	30 December 2005	2005/2213 (C.92)
Section 62(7) partially, in relation to England	7 December 2004	2004/3203 (C.139)
*Section 62(7) in relation to England	30 December 2005	2005/2213 (C.92)
Section 62(7)(c) partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 63 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 63 in relation to England and as respect subsections (2) to (5) in relation to Scotland and Northern Ireland	7 December 2004	2004/3203 (C.139)
Section 64 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 64 in relation to England	7 December 2004	2004/3203 (C.139)
Section 65 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 65 in relation to England and as respect subsections (2)(a) and (3) in relation to Scotland and (2)(b) and (3) in relation to Northern Ireland	7 December 2004	2004/3203 (C.139)
*Sections 66 to 76	30 December 2005	2005/2213 (C.92)
*Section 77(1), (2) and (4) to (6)	30 December 2005	2005/2213 (C.92)
Section 77(3) partially	7 December 2004	2004/3203 (C.139)
*Section 77(3)	30 December 2005	2005/2213 (C.92)
*Section 78(1), (2) and (4)	30 December 2005	2005/2213(C.92)
Section 78(3) partially	7 December 2004	2004/3203 (C.139)
*Section 78(3)	30 December 2005	2005/2213 (C.92)
*Section 80(1),(3) and (5)	30 December 2005	2005/2213 (C.92)
Section 80(2), (4) and (6) partially	7 December 2004	2004/3203 (C.139)
*Section 80(2), (4) and (6)	30 December 2005	2005/2213 (C.92)
*Section 81(1) to (3)	30 December 2005	2005/2213 (C.92)
Section 81(4)	7 December 2004	2004/3203 (C.139)
*Section 82	30 December 2005	2005/2213 (C.92)
Section 83(1) to (7) and (9) partially	7 December 2004	2004/3203 (C.139)
*Section 83(1) to (7) and (9)	30 December 2005	2005/2213 (C.92)
*Section 83(8)	30 December 2005	2005/2213 (C.92)
Section 84 partially	7 December 2004	2004/3203 (C.139)
*Section 84	30 December 2005	2005/2213 (C.92)
*Section 85	30 December 2005	2005/2213 (C.92)
Section 86 partially	7 December 2004	2004/3203 (C.139)
*Section 86	30 December 2005	2005/2213 (C.92)
Section 87(1)(a), (2), (5) and (6) partially	7 December 2004	2004/3203 (C.139)
*Section 87(1)(a), (2), (5) and (6)	30 December 2005	2005/2213 (C.92)
Section 87(1)(b) and (4)	1 June 2003	2003/366 (C.24)
*Section 87(3)	30 December 2005	2005/2213 (C.92)
*Sections 88 to 91	30 December 2005	2005/2213 (C.92)
Section 92 partially	7 December 2004	2004/3203 (C.139)
*Section 92	30 December 2005	2005/2213 (C.92)
*Section 93	30 December 2005	2005/2213 (C.92)
Section 94(1) partially	7 December 2004	2004/3203 (C.139)
*Section 94(1)	30 December 2005	2005/2213 (C.92)
*Section 94(2) to (5)	30 December 2005	2005/2213 (C.92)
*Sections 95, 96 and 97	30 December 2005	2005/2213 (C.92)
Section 98 in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)
Section 98 in relation to England	7 December 2004	2004/3203 (C.139)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
*Sections 99 to 107	30 December 2005	2005/2213 (C.92)
Section 108	7 December 2004	2004/3203 (C.139)
*Sections 109 and 110	30 December 2005	2005/ 2213(C.92)
Section 111	1 December 2003	2003/3079 (C.117)
*Sections 112 to 115	30 December 2005	2005/2213 (C.92)
Section 117 partially	7 December 2004	2004/3203 (C.139)
*Section 117	30 December 2005	2005/2213 (C.92)
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 partially	7 December 2004	2004/3203 (C.139)
*Section 121	30 December 2005	2005/2213 (C.92)
*Section 122(1)(a)	30 December 2005	2005/2213 (C.92)
Section 122(1)(b) and (2)	7 December 2004	2004/3203 (C.139)
*Sections 123 and 124 in relation to England, Wales, Scotland and Northern Ireland	30 December 2005	2005/2213 (C.92)
Section 135	1 June 2003	2003/366 (C.24)
*Section 137	30 December 2005	2005/2213 (C.92)
*Section 138 in relation to England, Wales and Scotland	30 December 2005	2005/2213 (C.92)
Section 139(1) partially, in relation to Northern Ireland	3 February 2003	2003/288 (C.14)
Partially, in relation England	25 February 2003	2003/366 (C.24)
Partially, in relation England	30 April 2003	2003/366 (C.24)
Partially, in relation to Wales	28 November 2003	2003/3079 (C.117)
Partially	1 December 2003	2003/3079 (C.117)
Partially	7 December 2004	2004/3203 (C.139)
*Partially	30 December 2005	2005/2213 (C.139)
Section 139(2) partially	3 February 2003	2003/288 (C.14)
Partially	25 February 2003	2003/366 (C.24)
Partially, in relation to England	10 March 2003	2003/366 (C.24)
Partially	1 April 2003	2003/366 (C.24)
Partially	1 June 2003	2003/366 (C.24)
Partially, in relation to England	6 October 2003	2003/366 (C.24)
Partially, in relation to England	1 December 2003	2003/3079 (C.117)
Partially, in relation to England	1 April 2004	2004/3079 (C.117)
Partially, in relation to Wales	7 February 2004	2004/252 (W.27) (C.9)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 139(3) partially	28 November 2003	2003/3079 (C.117)
*Partially	30 December 2005	2005/2213 (C.92)
*Partially, in relation to England	30 December 2005	2005/2213 (C.92)
Schedule 1		
Paragraphs 1 and 3 partially	7 December 2004	2004/3203 (C.139)
*Paragraphs 1 and 3	30 December 2005	2005/2213 (C.92)
*Paragraphs 2 and 4 to 6	30 December 2005	2005/2213 (C.92)
Schedule 2		
Paragraph 1 partially	7 December 2004	2004/3203 (C.139)
*Paragraph 1	30 December 2005	2005/2213 (C.92)
*Paragraphs 2 to 4	30 December 2005	2005/2213 (C.92)
Schedule 3		
*Paragraphs 1 to 5	30 December 2005	2005/2213(C.92)
Paragraphs 6 and 7	1 December 2003	2003/3079 (C.117)
*Paragraphs 9 to 12	30 December 2005	2005/ 3079 (C.92)
*Paragraph 13 in relation to England	30 December 2005	2005/2213 (C.92)
*Paragraphs 14 to 20	30 December 2005	2005/2213 (C92)
*Paragraphs 36 to 43	30 December 2005	2005/2213 (C.92)
*Paragraphs 45 to 52	30 December 2005	2005/2214 (C.92)
Paragraphs 53	3 February 2003	2003/288 (C.14)
*Paragraphs 54 to 59	30 December 2005	2005/2213 (C.92)
Paragraph 60 partially	7 December 2004	2004/3203 (C.139)
*Paragraph 60	30 December 2005	2005/2213 (C.92)
*Paragraphs 61 to 64	30 December 2005	2005/2213 (C.92)
*Paragraph 65 in relation to England	30 December 2005	2005/2213 (C.92)
*Paragraphs 67 to 81	30 December 2005	2005/2213 (C.92)
*Paragraphs 85 to 93	30 December 2005	2005/2213 (C.92)
*Paragraphs 95 to 99	30 December 2005	2005/2213 (C.92)
*Paragraphs 101 and 102	30 December 2005	2005/2213 (C.92)
Paragraph 103 partially, in relation to England	25 February 2003	2003/366 (C.24)
Paragraph 103 partially, in relation to England	30 April 2003	2003/366 (C.24)
Paragraph 103 in relation to Wales	28 November 2003	2003/3079 (C.117)
*Paragraph 103 in relation to England	30 December 2005	2005/2213 (C.92)
*Paragraph 104	30 December 2005	2005/2213 (C.92)
Paragraph 105 in relation England	30 April 2003	2003/366 (C.24)
Paragraph 105 in relation Wales	28 November 2003	2003/3079 (C.117)
Paragraph 106 in relation England	30 April 2003	2003/366 (C.24)
Paragraph 106 in relation Wales	28 November 2003	2003/3079 (C.117)
*Paragraphs 107 to 109	30 December 2005	2005/2213 (C.92)
Paragraph 110 partially, in relation to England	30 April 2003	2003/366 (C.24)
Paragraph 110 partially, in relation to Wales	28 November 2003	2003/3079 (C.117)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
*Paragraph 110	30 December 2005	2005/2213 (C.92)
*Paragraphs 111 to 113 in relation to England	30 December 2005	2005/2213 (C.92)
*Paragraphs 114 to 117	30 December 2005	2005/2213 (C.92)
Paragraph 118	28 November 2003	2003/3079 (C.117)
Schedule 4		
Paragraph 3 in relation to England	6 October 2003	2003/288 (C.14)
Paragraph 3 in relation 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 in relation to England	1 April 2004	2003/3079 (C.117)
Paragraph 5 in relation 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 April 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	1 June 2003	2003/366 (C.24)
Partially	28 November 2003	2003/3079 (C.117)
Partially	1 December 2003	2003/3079 (C.117)
*Partially	30 December 2005	2005/2213 (C.92)

2005 No. 2897 (C.123)

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

**The Adoption and Children Act 2002 (Commencement No. 10
Transitional and Savings Provisions) Order 2005**

£3.00

ISBN 0-11-073491-2

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1479 10/2005 151479T 19585

9 780110 734910