

*Draft Regulations laid before Parliament under section 62(4) of the Human Fertilisation and Embryology Act 2008, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2010 No. 000**

**HUMAN FERTILISATION AND EMBRYOLOGY**

The Human Fertilisation and Embryology  
(Parental Orders) Regulations 2010

Made - - - - 000  
Coming into force - - 6th April 2010

The Secretary of State for Health makes these Regulations in exercise of the powers conferred by sections 55 and 61 of the Human Fertilisation and Embryology Act 2008<sup>(1)</sup>.

A draft of this instrument was laid before Parliament in accordance with section 62(4) of that Act and approved by a resolution of each House of Parliament.

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 and shall come into force on 6th April 2010.

(2) Any provision of these Regulations which applies or modifies an enactment has the same extent as the enactment to which it relates.

(3) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations—

“the 2002 Act” means the Adoption and Children Act 2002<sup>(2)</sup>;

“the 2007 Act” means the Adoption and Children (Scotland) Act 2007<sup>(3)</sup>;

“the 2008 Act” means the Human Fertilisation and Embryology Act 2008; and

“the 1987 Order” means the Adoption (Northern Ireland) Order 1987<sup>(4)</sup>.

(5) In these Regulations, and in any provision that is applied with modifications by regulation 2, 3 or 4 and Schedule 1, 2 or 3, “parental order” means an order under section 54 of the 2008 Act

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(1) 2008 c.22.

(2) 2002 c.38.

(3) 2007 asp 4.

(4) S.I. 1987/2203 (N.I.22).

(parental orders) and, for the purposes of the provisions specified in paragraph (6), also includes an order under section 30 of the Human Fertilisation and Embryology Act 1990<sup>(5)</sup> (parental orders).

(6) The provisions referred to in paragraph (5) are—

- (a) sections 60, 77 to 82 of, and Schedule 1 to, the 2002 Act, as applied with modifications by regulation 2 and Schedule 1;
- (b) Articles 50 to 54 of, and Schedule 2 to, the 1987 Order, as applied with modifications by regulation 3 and Schedule 2;
- (c) sections 53 to 57 of, and Schedule 1 to, the 2007 Act, as applied with modifications by regulation 4 and Schedule 3; and
- (d) paragraphs 1, 13, 17, 18 and 20 of Schedule 4 to these Regulations.

#### **Application of certain provisions of the 2002 Act subject to modifications**

2. The provisions of the 2002 Act set out in column 1 of Schedule 1 have effect in relation to parental orders made in England and Wales and applications for such orders as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in column 2 of that Schedule.

#### **Application of certain provisions of the 1987 Order subject to modifications**

3. The provisions of the 1987 Order set out in column 1 of Schedule 2 have effect in relation to parental orders made in Northern Ireland and applications for such orders as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in column 2 of that Schedule.

#### **Application of certain provisions of the 2007 Act subject to modifications**

4. The provisions of the 2007 Act set out in column 1 of Schedule 3 have effect in relation to parental orders made in Scotland and applications for such orders as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in column 2 of that Schedule.

#### **References in enactments to be read as references to parental orders etc.**

5. In the enactments mentioned in column 1 of Schedule 4, the references mentioned in column 2 of that Schedule (which relate to adoption, adopted children or an adoptive relationship) are to be read as provided for in column 2.

#### **Appeals: England and Wales**

6. In section 94 of the Children Act 1989<sup>(6)</sup> (which relates to appeals from decisions of a magistrates' court in England and Wales) any reference to an order under the 2002 Act is to be read as including a reference to—

- (a) a parental order; and
- (b) an order under any provision of the 2002 Act as applied by regulation 2 and Schedule 1.

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(5) 1990 c.37; section 30 was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and (2) and schedule 2 paragraph 6 and Schedule 3.

(6) 1989 c.41; section 94 was amended by the Courts and Legal Services Act 1990 (c.41), section 116 and Schedule 16 paragraph 23; the Adoption and Children Act 2002 (c.38), section 100; Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 203, 206(1), (2) and (3); and by S.I. 2009/871.

## Family Proceedings Rules: England and Wales

7. Until section 75 of the Courts Act 2003(7) (Family Procedure Rules) comes into force in relation to parental orders, section 141 of the 2002 Act as applied by regulation 2 and Schedule 1 is to have effect as if—

- (a) in subsection (1), the reference to Family Procedure Rules were a reference to rules of court made under section 40 of the Matrimonial and Family Proceedings Act 1984(8); and
- (b) that subsection did not apply in relation to proceedings before Magistrates' Courts, but the powers to make rules conferred by section 144 of the Magistrates' Courts Act 1980(9) included powers to make provision in respect of any of the matters mentioned in that subsection.

Signed by authority of the Secretary of State for Health.

Date

*Name*  
Minister of State,  
Department of Health

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(7) [2003 c.39](#).

(8) Section 40 is prospectively repealed by the Courts Act 2003 ([c.39](#)), section 109(1) and (3), Schedule 8, paragraph 278(a) and Schedule 10. Section 40 was amended by the Courts and Legal Services Act 1990 ([c.41](#)), section 125(3) and Schedule 18, paragraph 50; the Civil Procedure Act 1997 ([c.12](#)), section 10 and Schedule 2, paragraph 3(a); the Adoption and Children Act 2002 ([c.39](#)), section 139(1) and (3), Schedule 3, paragraph 44 and Schedule 5; the Children Act 2004 ([c.31](#)), section 62(5); the Civil Partnership Act 2004 ([c.33](#)), section 261(1) and Schedule 27, paragraph 95; the Constitutional Reform Act 2005 ([c.4](#)), sections 12(2), 15(1), 59(5), 146, Schedule 1, Part 2, paragraph 18(a) and (b), Schedule 4, Part 2, paragraphs 379, 380(1) to (4), Schedule 11, Part 1, paragraph 1(2), Part 2, paragraph 4(1) and (3), Schedule 18, Part 1 and Part 2; and by [S.I. 2005/2744](#).

(9) Section 144 was amended by the Courts and Legal Services Act 1990 ([c.41](#)), section 125(3) and Schedule 18, paragraph 25; the Access to Justice Act 1999 ([c.22](#)), section 78(2), Schedule 11, paragraphs 26 and 29; the Courts Act 2003 ([c.39](#)), section 109(1) and (3), Schedule 8, paragraph 245(1) to (5) and Schedule 10; the Constitutional Reform Act 2005 ([c.4](#)), sections 15(1), 59(5), Schedule 4, Part 1, paragraphs 99, 102(1), (2), (3)(a), (3)(b), and (4) to (6), Schedule 11, Part 2, paragraph 4(1) and (3); and the Legal Services Act 2007 ([c.29](#)), section 208(1), Schedule 21, paragraphs 42, 43(a) and (b).

## SCHEDULE 1

Regulation 2

Application of Adoption and Children Act 2002 Provisions with  
Modifications to Parental Orders and Applications for such Orders

<i>Column 1</i>	<i>Column 2</i>
Provisions of the 2002 Act	Modifications
Section 1 (considerations applying to the exercise of powers)	<p>(i) As if the words “or adoption agency” were omitted on each occasion they appear;</p> <p>(ii) as if in section 1(1) for “the adoption of” there were substituted “the making of a parental order in relation to”;</p> <p>(iii) as if in section 1(4) the words “or agency” were omitted on each occasion they appear;</p> <p>(iv) as if in section 1(4)(c) for “an adopted person” there were substituted “the subject of a parental order”;</p> <p>(v) as if in section 1(4)(f) the words from “including” to “regarding the child” were omitted;</p> <p>(vi) as if section 1(5) were omitted;</p> <p>(vii) as if in section 1(6) after “whether” there were inserted “under section 54 of the Human Fertilisation and Embryology Act 2008,”, as if after the words “this Act” on the first occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”(10) and as if for “any order under this Act” there were substituted “an order under that section or under this Act as so applied”;</p> <p>(viii) as if in section 1(7) for “the adoption of” there were substituted “the making of a parental order in relation to”;</p> <p>(ix) as if for the words in section 1(7)(a) from “include” to “variation of such an order,” there were substituted “include a parental order (or the revocation of such an order),”; and</p>

(10) see the application of section 144 with modifications for the definition of the “Parental Order Regulations”.

<i>Column 1</i>	<i>Column 2</i>
	(x) as if in section 1(7)(b) the words “adoption agency or” were omitted.
Section 2(5) (basic definitions)	
Section 36(1), (4), (6) and (7) (restrictions on removal)	(i) As if in section 36(1) the words from “(“the people concerned”)” to “people concerned” were omitted;
	(ii) as if for section 36(1)(a) there were substituted “(a) who have applied for a parental order in respect of the child and the application has not been disposed of.”;
	(iii) as if section 36(1)(b) and (c) were omitted;
	(iv) as if in section 36(1) for the words from “group of sections” to “Northern Irish adoption agency” there were substituted “section and section 37 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(v) as if in section 36(4) for “This section” there were substituted “In the case of an application for a parental order under section 54(11) of the Human Fertilisation and Embryology Act 2008 this section.”;
	(vi) as if section 36(6)(a) were omitted;
	(vii) as if in section 36(6)(b) after “this section,” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	and
	(viii) as if in section 36(7) for “This group of sections applies” there were substituted “This section and section 37, as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations, apply”.
Section 37 (applicants for adoption)	As if after “section 36(1)(a),” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 41 (recovery orders)	(i) As if in section 41(1)(a) for “any of the preceding provisions of this Chapter” there were substituted “section 36 or 37 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	(ii) as if section 41(1)(b) were omitted;
	(iii) as if in section 41(2)(a) after “subsection (4)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iv) as if in section 41(3) after “subsection (2)(d)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(v) as if in section 41(4) after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
	(vi) as if section 41(4)(c) were omitted.
Section 46(1) to (4) (adoption orders)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if for section 46(1) there were substituted “(1) A parental order transfers parental responsibility for a child in respect of whom it is made to the persons who obtained the order”;
	(iii) as if in section 46(2)(a) for “adopters or adopter” there were substituted “persons who obtained the order” and for “adopted child” there were substituted “child who is the subject of the parental order”;
	(iv) as if in section 46(2)(d) the word “adopted” was omitted and for “adoption” there were substituted “parental”; and
	(v) as if section 46(3)(b) were omitted.
Section 48 (restrictions on making adoption orders)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if in section 48(1) after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iii) as if in section 48(2) for paragraphs (a) and (b) there were substituted “for a parental

<i>Column 1</i>	<i>Column 2</i>
	order, whether made in England and Wales or in Scotland or Northern Ireland.”.
Section 60(1) and (4) (disclosing information to adopted adult)	<p>(i) As if in section 60(1) for “an adopted person who” there were substituted “a person who is the subject of a parental order and”;</p> <p>(ii) as if in section 60(4) for “adoption order” and “adoption” there were substituted “parental order” and as if the word “adopted” and “also” were omitted; and</p> <p>(iii) as if at the end of section 60(4) there were inserted “But the court must not provide a copy of any prescribed document or prescribed order to the person who is the subject of the parental order unless that person certifies that they have—</p> <p>(a) been informed about the availability of counselling services providing counselling in relation to the implications of compliance with the request; and</p> <p>(b) been given a suitable opportunity to receive counselling.”.</p>
Section 64(1) (other provision to be made by regulations)	As if section 64(1)(a) and (c) were omitted.
Section 65(1) (sections 56 to 65: interpretation)	<p>(i) As if the definition of “appropriate adoption agency” and the definition of “regulations” were omitted; and</p> <p>(ii) as if in the definition of “subordinate legislation” the words “regulations or” were omitted.</p>
Section 67(1) to (3), (5) and (6) (status conferred by adoption)	<p>(i) As if for the words “an adopted person” on each occasion they appear there were substituted “a person who is the subject of a parental order”;</p> <p>(ii) as if for the words “adopters or adopter” on each occasion they appear there were substituted “persons who obtained the order”;</p> <p>(iii) as if in section 67(2) the words from “and, if adopted by” to “section 51(2),” were omitted;</p> <p>(iv) as if in section 67(2) for “the couple in question” there were substituted “those persons”;</p>

<i>Column 1</i>	<i>Column 2</i>
	(v) as if section 67(3)(a) were omitted;
	(vi) as if in section 67(3)(b) the words “in any other case,” and “subject to subsection (4)” were omitted;
	(vii) as if in section 67(5) for “adoption” there were substituted “parental order”;
	(viii) as if in section 67(6) for “and Schedule 4” there were substituted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	and
	(ix) as if in section 67(6) for the word “adoption” on each occasion it appears there were substituted “making of the parental order”.
Section 68(3) (adoptive relatives)	As if in section 68(3) for the words from “adoptive mother” onwards there were substituted “mother and father of a child who is the subject of a parental order obtained by two persons of the same sex is to be read as a reference to the child’s parents”.
Section 69 (rules of interpretation for instruments concerning property)	(i) As if in section 69(1) the words “and to Schedule 4” were omitted;
	(ii) as if in section 69(2) after “and (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iii) as if in section 69(2) for “adoptive parent or parents” there were substituted “persons who obtained the parental order”;
	(iv) as if in section 69(2)(a) for “adopted person” there were substituted “person who is the subject of the parental order” and for “adoption” there were substituted “the parental order”;
	(v) as if in section 69(2)(b) for “adopted” there were substituted “who are the subject of parental orders”;
	(vi) as if in section 69(3) after “subsection (2)” and in section 69(4) after “Section 67(3)” and in section 69(5)(b) after “section 67”, there were inserted “as applied with modifications by



<i>Column 1</i>	<i>Column 2</i>
	regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(vii) as if in section 69(4) for “adopted person” there were substituted “person who is the subject of a parental order” and for “adoption” there were substituted “parental order is made”;
	(viii) as if in section 69(5)(a) for “adopt” there were substituted “apply for a parental order in respect of”; and
	(ix) as if in section 69(5)(b) for the words from “as her child” to “the instrument” there were substituted “for the purposes of the instrument as her child or as the child of the person with whom she obtained the order”.
Section 71 (property devolving with peerages etc)	(i) As if for the words “an adoption” on each occasion they appear there were substituted “a parental order”; and  (ii) as if in section 71(3) after “Subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 72 (1) (protection of trustees and personal representatives)	As if in section 72(1) for “adoption” there were substituted “parental order” and for “effected” there were substituted “made”.
Section 73 (meaning of disposition)	As if in section 73(3) after the words “This Chapter” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 74 (miscellaneous enactments)(11)	(i) As if in section 74(1) and 74(2) after the words “Section 67” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and  (ii) as if in section 74(1) after “not apply” there were inserted “so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”.

(11) Section 74 was amended by the Sexual Offences Act 2003 (c.42), section 139 and Schedule 6, paragraph 47; and the Civil Partnership Act 2004 (c.33), section 79(1) and (7).

<i>Column 1</i>	<i>Column 2</i>
Section 75 (pensions)	As if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.
Section 76(1) (insurance)	<p>(i) As if for “is adopted whose” there were substituted “is the subject of a parental order and the child’s”;</p> <p>(ii) as if for “adoption” there were substituted “parental order”; and</p> <p>(iii) as if for the words “adoptive parents” on each occasion they appear there were substituted “persons who obtained the order”.</p>
Section 77 (adopted children register)	<p>(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;</p> <p>(ii) as if in section 77(3)(a) for “adoption orders” there were substituted “parental orders”;</p> <p>(iii) as if in section 77(3)(b) after “Schedule 1” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(iv) as if in section 77(4) for “adoption” there were substituted “parental order”;</p> <p>(v) as if in section 77(5) for the words “adopted person” on each occasion they appear there were substituted “person who is the subject of the parental order”;</p> <p>(vi) as if in section 77(6) for “adoptions” and for “adoption orders” there were substituted “parental orders”; and</p> <p>(vii) as if in section 77(6) after “amendment of parental orders)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 78 (searches and copies)(12)	(i) As if the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;

(12) Section 78 was amended by [S.I. 2008/678](#).

<i>Column 1</i>	<i>Column 2</i>
	(ii) as if in section 78(2) there were substituted “(2) The Registrar General shall—
	(a) at the request of any person, either permit the person to search the index or cause a search of the index to be made on that person’s behalf; and
	(b) issue to any person on request a certified copy of any entry in the Parental Order Register.”;
	(iii) as if in section 78(3) for “an adopted person” there were substituted “a person who is the subject of a parental order and”; and
	(iv) as if in section 78(4) after “under subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 79(1) to (3) and (7) to (9) (connections between the register and birth records)(13)	(i) As if in section 79(1) for “marked “Adopted”” there were substituted “marked “Re-registered by the Registrar General” pursuant to paragraph 1(2) of Schedule 1 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(ii) as if in section 79(1) for “Adopted Children Register” there were substituted “Parental Order Register”;
	(iii) as if in section 79(2) after “subsection (1)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(iv) as if in section 79(3) for “an adopted person” there were substituted “a person who is the subject of the parental order”;
	(v) as if in section 79(7) for the words from “On an application made” to the end of paragraph (b) there were substituted “On an application made in the prescribed manner by a person who is the subject of a parental order and a record of whose birth is kept by the Registrar General and who is under the age of

(13) Section 79 was amended by the Civil Partnership Act 2004 (c.33), section 79(1), (8)(a) and (b); and by S.I. 2005/3542 and S.I. 2008/678.

<i>Column 1</i>	<i>Column 2</i>
	<p>18 years and intends to be married or form a civil partnership,”;</p> <p>(vi) as if in section 79(8) for “any prescribed fee which he has demanded must be paid” there were substituted-</p> <p style="padding-left: 40px;">“(a) any prescribed fee which he has demanded must be paid; and</p> <p style="padding-left: 40px;">(b) the applicant must—</p> <p style="padding-left: 80px;">(i) be informed about the availability of counselling services providing counselling in relation to the implications of compliance with the request; and</p> <p style="padding-left: 80px;">(ii) be given a suitable opportunity to receive counselling”; and</p> <p>(vii) as if in section 79(9) the definition of “appointed day” were omitted.</p>
Section 82 (interpretation)	
Section 83(1), (5) and (7) to (9) (restriction on bringing children in)(14)	<p>(i) As if in section 83(1) for the word “adoption” on each occasion it appears there were substituted “applying for a parental order”;</p> <p>(ii) as if in section 83(1) paragraph (b) and the word “or” immediately before it were omitted;</p> <p>(iii) as if in section 83(1) the words “or to a child adopted” on each occasion they appear were omitted;</p> <p>(iv) as if in section 83(5) for “this section applies” there were substituted “this section as applied with modifications made by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(v) as if in section 83(7) paragraph (a) were omitted;</p> <p>(vi) as if in section 83(7) for “this section applies” there were substituted “this section as applied with modifications made by</p>

(14) Section 83 was amended by the Children and Adoption Act 2006 (c.20), section 14(1).

<i>Column 1</i>	<i>Column 2</i>
	regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
	(vii) as if in section 83(9) the words “after consultation with the Assembly” were omitted.
Section 101(1) (privacy)	As if after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 102(1) to (4) and (6) to (8) (officers of the service)(15)	(i) As if for the words “placement or adoption” on each occasion they appear there were substituted “a parental order”;
	(ii) as if in section 102(1) the words “in prescribed cases” were omitted;
	(iii) as if section 102(6)(a), (b) and (d) were omitted; and
	(iv) as if for section 102(6)(c) there were substituted “(c) the making or revocation of a parental order.”.
Section 104 (evidence of consent)	As if in section 104(1) after “this Part” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations or by section 54(6) of the 2008 Act”.
Section 105(3) and (4) (effect of certain Scottish orders and provisions)	(i) As if in section 105(3)(a) for the words from “section 27(1)” to “or” there were substituted “section 20(2) of the Adoption and Children (Scotland) Act 2007 (restrictions on removal where application pending) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(ii) as if section 105(3)(b) were omitted;
	(iii) as if in section 105(4) for “section 29” there were substituted “section 24”;
	(iv) as if in section 105(4) after “remove child)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	and
	(v) as if in section 105(4) after “this Act” there were inserted “as applied with modifications by

(15) Section 102 was amended by the Children Act 2004 (c.31), section 40 and Schedule 3, paragraphs 15 and 16.

<i>Column 1</i>	<i>Column 2</i>
	regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 106(3) and (4) (effect of certain Northern Irish orders and provisions)	<p>(i) As if in section 106(3)(a) the words “or (2)” were omitted and for “(removal where adoption agreed etc)” there were substituted “(restrictions on removal where application is pending) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if section 106(3)(b) were omitted;</p> <p>(iii) as if in section 106(4) after “remove child)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and</p> <p>(iv) as if in section 106(4) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 107 (use of adoption records from other parts of the British Islands)	<p>(i) As if in section 107(a) for “section 45(2)” there were substituted “section 56”;</p> <p>(ii) as if in section 107(a) for “Adoption (Scotland) Act 1978” there were substituted “Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(iii) as if in section 107(b) after “Order 1987” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and</p> <p>(iv) as if in section 107(c) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.</p>
Section 140(1), (2) and (7) to (9) (orders, rules and regulations)	(i) As if after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	<p>(ii) as if in section 140(1) the words “the Lord Chancellor” and “the Scottish Ministers” and “the Assembly” were omitted; and</p> <p>(iii) as if in section 140(2) the words “(other than section 14 or 148 or an instrument to which subsection (3) applies)” were omitted.</p>
Section 141(1), (3) to (6) (rules of procedure)(16)	<p>(i) As if in section 141(1) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if in section 141(3) for “placement order, for the variation or revocation of such an order, or for an adoption order,” there were substituted “parental order”; and</p> <p>(iii) as if in section 141(4) for paragraphs (a) to (c) there were substituted “every person who can be found whose consent to the making of the order is required under section 54(6) of the Human Fertilisation and Embryology Act 2008”.</p>
Section 144(1) and (2) (general interpretation)(17)	<p>(i) As if after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if after the definition of “notice” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010”;</p> <p>(iii) as if in the definition of “regulations” for the words from “the appropriate Minister” to “the Registrar General” there were substituted “the Secretary of State, unless they are required to be made by the Registrar General”;</p> <p>(iv) as if for the definition of “rules” there were substituted ““rules” means rules made by virtue of section 141(1) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations,”; and</p>

(16) Section 141 was amended by the Courts Act 2003 (c.39), section 109(1) and Schedule 8, paragraph 413(1) to (3) and Schedule 10; and the Children Act 2004 (c.31), section 62(6).

(17) Section 144 was amended by the Courts Act 2003 (c.39), section 109(1) and Schedule 8, paragraph 414; the Civil Partnership Act 2004 (c.33), section 79(1), (11) and (12).

<i>Column 1</i>	<i>Column 2</i>
	(v) as if in section 144(2) the words “Order in Council or” and “Order or, as the case may be,” were omitted.
Schedule 1, paragraph 1 (registration of adoption orders)(18)	<p>(i) As if in paragraph 1(1) for “adoption order” there were substituted “parental”;</p> <p>(ii) as if in paragraph 1(1) for “Adopted Children Register” there were substituted “Parental Order Register”;</p> <p>(iii) as if in paragraph 1(2) for “an adoption order” there were substituted “a parental order”;</p> <p>(iv) as if in paragraph 1(2) for “adoption” there were substituted “parental”;</p> <p>(v) as if in paragraph 1(2) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;</p> <p>(vi) as if paragraph 1(3) were omitted; and</p> <p>(vii) as if in paragraph 1(4) for “an adoption order” there were substituted “a parental order”.</p>
Schedule 1, paragraph 2 (registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands)	<p>(i) As if in paragraph 2(1) for “Sub-paragraphs (2) and (3)” there were substituted “Sub-paragraph (2) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(ii) as if in paragraph 2(1) for “adoptions” there were substituted “parental orders”;</p> <p>(iii) as if in paragraph 2(1) for “an order has been made in that part authorising the adoption of a child” there were substituted “a parental order has been made in that part in respect of a child”;</p> <p>(iv) as if in paragraph 2(2) for “Adopted Children Register” there were substituted “Parental Order Register”;</p> <p>(v) as if in paragraph 2(2) for “the word “Adopted”” there were substituted “the words “Re-registered by the Registrar General””;</p>

(18) Paragraph 1 was amended by [S.I. 2008/678](#).



<i>Column 1</i>	<i>Column 2</i>
	(vi) as if paragraph 2(3) were omitted;
	(vii) as if in paragraph 2(4) for “in sub-paragraphs (2) and (3)” there were substituted “in sub-paragraph (2) as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	and
	(viii) as if in paragraph 2(5) after “sub-paragraph (4)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Schedule 1, paragraph 4 (amendment of orders and rectification of Registers and other records)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
	(iii) as if in paragraph 4(1) for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;
	(iv) as if in paragraph 4(2) for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;
	(v) as if in paragraph 4(2)(a) for “given to the adopted person” there were substituted “given to the person who is the subject of the parental order”;
	(vii) as if in paragraph 4(2)(b) for “by the adopted person” there were substituted “by that person”;
	(viii) as if in paragraph 4(3) the words “or (3)” were omitted;
	(ix) as if in paragraph 4(3) after “paragraph 1(2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(x) as if in paragraph 4(4) after “(1) to (3)” there were inserted “as applied with

<i>Column 1</i>	<i>Column 2</i>
	<p>modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(xi) as if in paragraph 4(7) after “section 78(2) (b)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>and</p> <p>(xii) as if paragraph 4(9) and (10) were omitted.</p>

SCHEDULE 2

Regulation 3

Application of Adoption (Northern Ireland) Order 1987 Provisions with Modifications to Parental Orders and Applications for such Orders

<i>Column 1</i>	<i>Column 2</i>
Provisions of the 1987 Order	Modifications
Article 2(1) to (2D) and (4) (interpretation)	<p>(i) As if in Article 2(1) the words “Article 1 and” were omitted;</p> <p>(ii) as if in Article 2(2) for the definition of “adoption rules” there were substituted ““rules” means rules of court, county court rules or rules made under Article 12 of the Family Law (Northern Ireland) Order 1993;”;</p> <p>(iii) as if in Article 2(2) for the definition of “authorised court” there were substituted ““authorised court” means—</p> <p>(a) in the case of an application for a parental order—</p> <p>(i) the High Court;</p> <p>(ii) the county court within whose division the child is;</p> <p>(b) in the case of an application under Article 30, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, the court in which that application is pending;”;</p> <p>(iv) as if in Article 2(2) for the definition of “existing” there were substituted ““existing” in</p>

<i>Column 1</i>	<i>Column 2</i>
	relation to an instrument, means one passed or made at any time before the commencement of Part V;”;
	(v) as if in Article 2(2) for the definition of “HSS trust” there were substituted ““HSC trust” shall be construed in accordance with paragraph (2A);”;
	(vi) as if in Article 2(2) for the definition of “parent” there were substituted ““parent” except for the purposes of Articles 40(3) and 47(1) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, means, in relation to a child, any parent who has parental responsibility for the child under the Children (Northern Ireland) Order 1995;”;
	(vii) as if in Article 2(2) after the definition of “parent” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010;”;
	(viii) as if in Article 2(2) for the definition of “parental responsibility” there were substituted ““parental responsibility” has the same meaning as in the Children (Northern Ireland) Order 1995;”;
	(ix) as if in Article 2(2) for the definition of “prescribed” there were substituted ““prescribed” in Article 54 means prescribed by regulations made by the Department of Finance and Personnel and elsewhere means prescribed by rules;”;
	(x) as if in Article 2(2) after the definition of “prescribed” there were inserted ““regional board” means the regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;
	(xi) as if in Article 2(2A) for “HSS trust” there were substituted “HSC trust” and for “Health and Social Services trust” there were substituted “Health and Social Care trust”;

<i>Column 1</i>	<i>Column 2</i>
	<p>(xii) as if in Article 2(2B) for ““Health and Social Services trust”” there were substituted ““Health and Social Care trust””;</p> <p>(xiii) as if in Article 2(2C) for “HSS trust” there were substituted “HSC trust”; and</p> <p>(xiv) as if in Article 2(2D) for “a Health and Social Services Board” there were substituted “the regional board” and for “HSS trust” on each occasion they appear there were substituted “HSC trust”.</p>
Article 9 (duty to promote the welfare of the child)	<p>(i) As if for “the adoption of a child” there were substituted “the making of a parental order in respect of a child”;</p> <p>(ii) as if the words “or adoption agency” were omitted;</p> <p>(iii) as if for “most important” there were substituted “paramount”;</p> <p>(iv) as if in Article 9(a)(i) for “adoption, or adoption by a particular person or persons,” there were substituted “the granting of such an order”; and</p> <p>(v) as if after Article 9(b) there were inserted</p> <ul style="list-style-type: none"> <li>“(c) have regard to the child’s particular needs;</li> <li>(d) have regard to the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become the subject of a parental order;</li> <li>(e) have regard to the child’s age, sex, background and any of the child’s characteristics which the court considers relevant;</li> <li>(f) have regard to any harm (within the meaning of the Children (Northern Ireland) Order 1995) which the child has suffered or is at risk of suffering; and</li> <li>(g) have regard to the relationship which the child has with relatives, and with any other person in relation to whom the court considers the relationship to be relevant.</li> </ul>

<i>Column 1</i>	<i>Column 2</i>
	<p>(2) The court must always consider the whole range of powers available to it in the child’s case (whether under section 54 of the Human Fertilisation and Embryology Act 2008, under this Order as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, or the Children (Northern Ireland) Order 1995); and the court must not make an order under that section or under this Order as so applied, unless it considers that making the order would be better for the child than not doing so.</p> <p>(3) For the purposes of this Article—</p> <ul style="list-style-type: none"><li>(a) references to relationships are not confined to legal relationships; and</li><li>(b) references to a relative, in relation to a child, include the child’s mother and father.”.</li></ul>
Article 12(1) to (4) (adoption orders)	<p>(i) As if for “an adoption order” on each occasion they appear, there were substituted “a parental order”; and</p> <p>(ii) as if in Article 12(1) for the words from “the adopters” to “application of the adopters” there were substituted</p> <ul style="list-style-type: none"><li>“(a) a husband and wife;</li><li>(b) civil partners of each other; or</li><li>(c) two persons who are living as partners in an enduring family relationship and are not within prohibited degrees of relationship in relation to each other,</li></ul> <p>and such an order may be made on their application by an authorised court”.</p>
Article 25(1) (restrictions on making adoption orders)	<p>(i) As if for “an adoption order” there were substituted “a parental order”; and</p> <p>(ii) as if for “a British adoption order” there were substituted “such an order”.</p>
Article 28(1) and (3) (restrictions on removal where adoption agreed or application made under Article 17(1) or 18(1))	<p>(i) As if for paragraph (1) of Article 28 there were substituted the following paragraph “(1) While an application for a parental order is pending a parent or guardian is not entitled, against the will of the person with whom the child has their home, to remove the child from the home of that person except with the leave of the court.”; and</p>

<i>Column 1</i>	<i>Column 2</i>
	(ii) as if in Article 28(3) for “or (2)” there were substituted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 30 (return of a child taken away in breach of Article 28 or 29)	<p>(i) As if for the words “Article 28 or 29” on each occasion they appear there were substituted “Article 28 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if for the words “section 27 or 28 of the Adoption Act 1976” on each occasion they appear there were substituted “section 36 or 37 of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(iii) as if for the words “section 27 or 28 of the Adoption (Scotland) Act 1978” on each occasion they appear there were substituted “section 22 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(iv) as if in Article 30(3) and 30(4) after the words “under paragraph (1)” on each occasion they appear there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and</p> <p>(v) as if in Article 30(5) after the words “under paragraph (3)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.</p>
Article 40(1)(a), (2), (3), (4) and (6) (status conferred by adoption)	<p>(i) As if for the words “an adopted child” on each occasion they appear there were substituted “a child who is the subject of a parental order”;</p> <p>(ii) as if for Article 40(1)(a) there were substituted “as if he had been born as a child of the persons who obtained the parental order”;</p> <p>(iii) as if in Article 40(2) for the words from “subject to paragraphs (3)” to “or adopter” there were substituted “be treated in law as if he were not the child of any person other than the persons who obtained the parental order”;</p>

<i>Column 1</i>	<i>Column 2</i>
	(iv) as if in Article 40(3)(a) for the words from “does not apply” to “for the purposes of” there were substituted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations does not apply so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made for the purposes of”;
	(v) as if in article 40(3) sub-paragraph (b) were omitted;
	(vi) as if in Article 40(6) for “adoption” there were substituted “parental order”; and
	(vii) as if in Article 40(6) the words “Subject to the provisions of this Part” and “, or after the commencement of this Part, whichever is the later” were omitted.
Article 42 (rules of construction for instruments concerning property)	(i) As if in Article 42(1) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(ii) as if in Article 42(2) for “Article 40(1)” there were substituted “Article 40(1)(a) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(iii) as if in Article 42(2) for “of the adoptive parent or parents” there were substituted “of the persons who obtained the parental order”;
	(iv) as if in Article 42(2) for “adopted child” there were substituted “child who is the subject of the parental order”;
	(v) as if in Article 42(2)(a) for “adoption” there were substituted “the parental order”;
	(vi) as if in Article 42(2)(b) for “adopted” there were substituted “in respect of whom parental orders were made”;
	(vii) as if in Article 42(4) after “Article 40(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	(viii) as if in Article 42(4) for “adoption” there were substituted “making of the parental order”;
	(ix) as if in Article 42(4) for “adopted child” there were substituted “child who is the subject of the parental order”;
	(x) as if in Article 42(5) for “adopt” there were substituted “obtain a parental order in respect of”; and
	(xi) as if in Article 42(5) after “Article 40” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 44 (property devolving with peerages, etc.)	As if for the words “An adoption” on each occasion they appear there were substituted “The making of a parental order”.
Article 45 (protection of trustees and personal representatives)	As if in Article 45(1) for “adoption” there were substituted “parental order”.
Article 46 (meaning of “disposition”)	As if for the words “this Part” each time they appear there were substituted “the application of Articles 40, 42, 44, 45 and 47 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 47(1) and (2) (miscellaneous enactments)	(i) As if in Article 47(1) for “Article 40 does not apply” there were substituted “Article 40, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, does not apply so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”;
	(ii) as if in Article 47(1) the words from “; but nothing in” to “(b) of that Order” were omitted; and
	(iii) as if in Article 47(2) for “Article 40” there were substituted “Article 40 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 50 (Adopted Children Register)	(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;



<i>Column 1</i>	<i>Column 2</i>
	(ii) as if in Article 50(1)(a) for “adoption orders” there were substituted “parental orders”;
	(iii) as if in Article 50(1)(c) for ““Adopted” pursuant to Article 51” there were substituted ““Re-registered by the Registrar General” pursuant to Article 51(4) as applied with modifications by the Parental Order Regulations”;
	(iv) as if in Article 50(2) for the words from “Every person shall” to “subject to the same terms” there were substituted—  “The Registrar General shall—  (a) at the request of any person, either permit the person to search the index of the Parental Order Register or cause a search of the index to be made on that person’s behalf; and  (b) issue to any person on request a certified copy of any entry in the Parental Order Register,  in all respects, except as to the entitlement of any person to search that index, upon and subject to the same terms”;
	(v) as if in Article 50(3) after “Article 54” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vi) as if in Article 50(3)(b) for “an adoption order” there were substituted “a parental order”;
	(vii) as if Article 50(3)(c) were omitted.
Article 51(1), (3), (4), (6) and (7) (registration of adoption orders)	(i) As if in Article 51(1) for “adoption order” there were substituted “parental order”;
	(ii) as if in Article 51(1) for “Adopted Children Register” there were substituted “Parental Order Register”;
	(iii) as if in Article 51(1) after “Schedule 2” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	(iv) as if in Article 51(1) the words “(subject to paragraph (2))” were omitted;
	(v) as if in Article 51(3) for “Adopted Children Register under the heading in column 2 of Schedule 2” there were substituted “Parental Order Register under the heading in column 2 of Schedule 2, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vi) as if in Article 51(3) the word “and” in sub-paragraph (a) were omitted and sub-paragraph (b) were omitted;
	(vii) as if in Article 51(4) for the words from “application for an adoption order” to “time in force” there were substituted “application for a parental order”;
	(viii) as if in Article 51(4) for “any adoption order” there were substituted “any parental order”;
	(ix) as if in Article 51(4) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;
	(x) as if in Article 51(6) for “an adoption order shall cause the adoption order” there were substituted “a parental order shall cause the order”;
	(xi) as if in Article 51(7) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(xii) as if in Article 51(7) after “paragraph (6)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
	(xiii) as if in Article 51(7) the words “or the country in which the child was previously adopted” and the words from “or the Adopted Children Register ” to “the case may be,” were omitted.
Article 52(1) to (4) and (6) (amendment of orders and rectification of Registers)	(i) As if for the words “Adopted Children Register” on each occasion they appear,

<i>Column 1</i>	<i>Column 2</i>
	except in Article 52(6), there were substituted “Parental Order Register”;
	(ii) as if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(iii) as if in Article 52(1) for the words “adopted or of the adopted person” on each occasion they appear there were substituted “persons who obtained the parental order or of the person who is the subject of the parental order”;
	(iv) as if in Article 52(1)(a) for “given to the adopted person” there were substituted “given to that child” and the words “, or taken by him,” were omitted;
	(v) as if in Article 52(1)(b) for “Article 51(4) or (5)” there were substituted “Article 51(4) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vi) as if in Article 52(2) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vii) as if in Article 52(4) after “Article 50(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(viii) as if in Article 52(6) after “Article 51(7)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
	(ix) as if in Article 52(6) the words “or an Adopted Children Register or any corresponding register of adoptions” were omitted.
Article 53(1) and (2) (registration of adoptions made outside Northern Ireland)	(i) As if in Article 53(1) for “register of adoptions” there were substituted “register of parental orders”;
	(ii) as if in Article 53(1) for “an order has been made in that country authorising the adoption

<i>Column 1</i>	<i>Column 2</i>
	<p>of a child” there were substituted “a parental order has been made in that country in respect of a child”;</p> <p>(iii) as if in Article 53(1) the words “or the Adopted Children Register” were omitted;</p> <p>(iv) as if in Article 53(1) for “Adopted” or “Re-adopted” as the case may require there were substituted “Re-registered”;</p> <p>(v) as if in Article 53(2) for “so marked” there were substituted “marked in accordance with paragraph (1) as applied with modifications by the Parental Order Regulations”; and</p> <p>(vi) as if in Article 53(2) for “, that an appeal against the order has been allowed or that the order has been revoked” there were substituted “or that an appeal against the order has been allowed”.</p>
<p>Article 54(1), (2), (4) and (5) (disclosure of birth records of adopted children)</p>	<p>(i) As if in Article 54(1) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if in Article 54(1) for “an adopted person” there were substituted “a person who is the subject of a parental order”;</p> <p>(iii) as if in Article 54(2) for “an adopted person under the age of 18 years” there were substituted “a person who is the subject of a parental order and who is under the age of 18 years”;</p> <p>(iv) as if in Article 54(4) for “an adopted person” there were substituted “a person who is the subject of a parental order”;</p> <p>(v) as if in Article 54(4)(a) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(vi) as if in Article 54(4)(a) for “section 51 of the Adoption Act 1976” there were substituted “section 79 of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p>

<i>Column 1</i>	<i>Column 2</i>
	(vii) as if in Article 54(4)(b) for “section 45 of the Adoption (Scotland) Act 1978” there were substituted “section 55 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(viii) as if in Article 54(5)(a) for “any Board or HSS trust” there were substituted “the regional board or any HSC trust”; and
	(ix) as if in Article 54(5)(a) the word “and” were omitted and as if Article 54(5)(b) were omitted.
Article 62(1) (evidence of agreement and consent)	(i) As if for the words “this Order” there were substituted the words “section 54 of the Human Fertilisation and Embryology Act 2008”; and
	(ii) as if the word “adoption” were omitted.
Article 63(1) and (2) (evidence of adoptions, etc.)	(i) As if in Article 63(1) for “Adopted Children Register” there were substituted “Parental Order Register”;
	(ii) as if in Article 63(1)(a) for “adoption” there were substituted “parental order”;
	(iii) as if in Article 63(1)(b) for “adopted person” there were substituted “person who is the subject of the parental order”; and
	(iv) as if in Article 63(2) for “section 50(2) of the Adoption Act 1976 or section 45(2) of the Adoption (Scotland) Act 1978” there were substituted “section 77(4) or (5) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations or section 56 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Article 64(3) (removal of proceedings and appeals)	(i) As if for the words from “Subject to paragraph (2)” to “under this Order” there were substituted “Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980 any person aggrieved with a decision of a county court on an application made to it for a parental order or on an application made to it under Article 30, as applied with modifications

<i>Column 1</i>	<i>Column 2</i>
	by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 65 (proceedings to be in private)	As if for “under Part III, Article 30 and Article 57” there were substituted “pursuant to section 54 of the Human Fertilisation and Embryology Act 2008”.
Article 66 (guardians ad litem)	(i) As if in Article 66(1) for “an adoption order or an order freeing a child for adoption or an order under Article 20 or 57” there were substituted “a parental order”;
	(ii) as if in Article 66(2)(a) the word “adoption” were omitted; and
	(iii) as if after Article 66(2)(a) there were inserted “(aa) shall be appointed from any panels of persons established by regulations made under Article 66 of the Adoption (Northern Ireland) Order 1987; and”.
Article 68 (regulations)	
Schedule 2 (form of entry in Adopted Children Register)	(i) As if for “Adopted Children Register” in the heading there were substituted “Parental Order Register”;
	(ii) as if for “adopter or adopters” in column 5 there were substituted “persons who obtained the parental order”; and
	(iii) as if for “adoption order” in column 6 there were substituted “parental order”.

SCHEDULE 3

Regulation 4

Application of the Adoption and Children (Scotland) Act 2007 Provisions with Modifications to Parental Orders and Applications for such Orders

<i>Column 1</i>	<i>Column 2</i>
Provisions of the 2007 Act	Modifications
Section 14(1) to (4) and (8) (considerations applying to the exercise of powers)	(i) As if the words “or adoption agency” were omitted on each occasion they appear;
	(ii) as if in section 14(1) after “to (4)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	(iii) as if in section 14(1) for “the adoption of a child” there were substituted “an application for a parental order”; and
	(iv) as if in section 14(4)(d) for “an adoption order” there were substituted “a parental order”.
Section 22 (restrictions on removal: application for adoption order pending)	(i) As if for the words “prospective adopters” on each occasion they appear there were substituted “applicants”;
	(ii) as if in section 22(1) after “Subsection (2)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iii) as if in section 22(1) for “an adoption order” there were substituted “a parental order”;
	(iv) as if section 22(1)(b) were omitted;
	(v) as if in section 22(2) after “subsection (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(vi) as if in section 22(3) after “This subsection” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
	(vii) as if in section 22(4) after “this section” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Section 24 (return of child removed in breach of certain provisions)	(i) As if in section 24(3)(a) for “an adoption order or a permanence order” there were substituted “a parental order”;
	(ii) as if in section 24(4)(a) for “sections 20, 21, 22 and 23” there were substituted “section 22 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iii) as if in section 24(4)(b) for “sections 30, 34, 35 and 36 of the 2002 Act” there were substituted “section 36 of the 2002 Act as applied with modifications by regulation 2

<i>Column 1</i>	<i>Column 2</i>
	of and Schedule 1 to the Parental Order Regulations”; and
	(iv) as if in section 24(4)(c) for “Articles 28 and 29 of the Northern Ireland Order” there were substituted “Article 28 of the Northern Ireland Order as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Section 27(1) (contravention of sections 30 to 36 of 2002 Act)	As if in section 27(1) for “any of the provisions of the 2002 Act mentioned in subsection (2)” there were substituted “section 36(1) (removal of a child in non-agency case) of the 2002 Act as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
Section 28 (adoption orders)	(i) Except as provided in paragraph (ii) as if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(ii) as if in section 28(1) for “An adoption order” there were substituted “Without prejudice to section 54(1) of the 2008 Act (which empowers the court to make an order providing for a child to be treated in law as the child of the applicants), a parental order”;
	(iii) as if in section 28(1) the words “on an application under section 29 or 30” were omitted;
	(iv) as if in section 28(1) for “adopters or adopter” there were substituted “applicants”; and
	(v) as if in section 28(6) for “adopted” there were substituted “the subject of a parental order”.
Section 33(1) and (2) (restrictions on making orders)	(i) As if in section 33(1) for “an adoption order” there were substituted “a parental order”; and
	(ii) as if in section 33(1) for “falling within subsection (3)” there were substituted “for a parental order”.
Section 35 (effect of order on existing rights etc.)	(i) As if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;



<i>Column 1</i>	<i>Column 2</i>
	(ii) as if in section 35(1) the words from “Where an adoption” to “section 30,” were omitted;
	(iii) as if in section 35(1) for “the order” there were substituted “a parental order”;
	(iv) as if in section 35(1)(a) for “the other member of the relevant couple” there were substituted “either of the applicants”;
	(v) as if in section 35(1)(b) for “other member” there were substituted “applicant”; and
	(vi) as if in section 35(2)(b) after “subsection (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Section 40(1) to (3), (5), (6) and (10) (status conferred by adoption)	(i) As if for section 40(1) there were substituted “(1) A person who is the subject of a parental order is to be treated in law as if born as the child of the persons who obtained the order”;
	(ii) as if for section 40(2) there were substituted “(2) A person who is the subject of a parental order is to be treated as the child of the persons who obtained the order.”;
	(iii) as if for section 40(3) there were substituted “(3) A person who is the subject of a parental order is to be treated in law as not being the child of any person other than the persons who obtained the order.”;
	(iv) as if in section 40(5) for “Subsections (3) and (4) do” there were substituted “Subsection (3) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations does”;
	(v) as if for section 40(6) there were substituted “(6) This section as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations is without prejudice to section 54(1) of the 2008 Act (which empowers the court to make an order providing for a child to be treated in law as the child of the applicants) and has effect from the date on which the court makes the parental order.”;

<i>Column 1</i>	<i>Column 2</i>
	(vi) as if in section 40(10) after “Chapter” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
	(vii) as if in section 40(10) for the word “adoption” on each occasion it appears there were substituted “making of the parental order”.
Section 41 (miscellaneous enactments)	<p>(i) As if for section 41(1) there were substituted “(1) Notwithstanding the effect of making a parental order but without prejudice to section 40(1) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations, the child who is the subject of that parental order shall be treated for the purposes of determining the forbidden degrees of consanguinity and affinity in respect of the law relating to marriage or to the eligibility of persons to register as civil partners of each other and in respect of the crime incest, as if—</p> <p>(a) that child were the child of the persons who obtained the order, and</p> <p>(b) that child were also the child of any other person who, prior to the making of the parental order, was the mother or father.”;</p> <p>(ii) as if in section 41(2) for “an adoption order” there were substituted “a parental order”;</p> <p>(iii) as if in section 41(2) for “adopter” there were substituted “persons who obtained the order”; and</p> <p>(iv) as if in section 41(2) for “adopted” there were substituted “who is subject to the order”.</p>
Section 42 (pensions)	<p>(i) As if after “Section 40” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and</p> <p>(ii) as if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.</p>
Section 43(1) to (3) (insurance)	(i) As if for the words “adoptive parents” on each occasion they appear there were

<i>Column 1</i>	<i>Column 2</i>
	substituted “persons who obtained the parental order”;
	(ii) as if in section 43(1) after “Subsections (2) and (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iii) as if in section 43(1) for “is adopted” there were substituted “becomes the subject of a parental order”; and
	(iv) as if in section 43(2) for “adoption” there were substituted “parental order”.
Section 53 (Adopted Children Register and index)	(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
	(ii) as if in section 53(2)(a) for “adoption orders” there were substituted “parental orders”;
	(iii) as if in section 53(2)(b) after “schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iv) as if in section 53(4) after “Schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
	(v) as if in section 53(4) for “adoptions” and for “adoption orders” there were substituted “parental orders”.
Section 54 (searches and extracts)	As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”.
Section 55(1) to (5) (connections between the register and birth records)	(i) As if in section 55(1) after “schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(ii) as if in section 55(1) for “marked “Adopted”” there were substituted “marked “Parental Order””;

<i>Column 1</i>	<i>Column 2</i>
	<p>(iii) as if in section 55(1) for “Adopted Children Register” there were substituted “Parental Order Register”;</p> <p>(iv) as if in section 55(2) after “subsection (1)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(v) as if in section 55(3) for “subsection (4)” there were substituted “subsections (4) and (5) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(vi) as if in section 55(4)(a) after “sheriff,” there were inserted “or”;</p> <p>(vii) as if for section 55(4)(b) there were substituted “(b) to a person who is the subject of a parental order who is aged 16 or over and to whom the information relates (“the person”).”;</p> <p>(viii) as if section 55(4)(c) were omitted; and</p> <p>(ix) as if for section 55(5) there were substituted “(5) Before the Registrar General discloses information to the person in accordance with subsection (4)(b), as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations, the person must-</p> <p>(a) be informed about the availability of any counselling services providing counselling in relation to the implications of compliance with the request, and</p> <p>(b) be given a suitable opportunity to receive counselling.”.</p>
Section 56 (admissibility of extracts as evidence)	<p>(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;</p> <p>(ii) as if in section 56(1) after “section 54(2) (b)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p>

<i>Column 1</i>	<i>Column 2</i>
	(iii) as if in section 56(1) for “adoption” there were substituted “parental order”; and
	(iv) as if in section 56(2) for “adopted person” there were substituted “person who is subject to the parental order”.
Section 57 (interpretation of chapter 5)	(i) As if in section 57(1) for “this Chapter” there were substituted “sections 53 to 57 and schedule 1, as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations,”; and  (ii) as if in section 57(2) after “or schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Section 58(1), (2), (6) and (10) (restriction on bringing children into the United Kingdom)	(i) As if in section 58(1)(a) for “adoption” there were substituted “applying for a parental order”;  (ii) as if section 58(1)(b) were omitted;  (iii) as if in section 58(2) after “subsection (1)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;  (iv) as if in section 58(2) for the words “adoption, or a child adopted,” on each occasion they appear there were substituted “applying for a parental order”;  (v) as if in section 58(10) after “this section” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and  (vi) as if in section 58(10) for “Scottish Ministers” there were substituted “Secretary of State”.
Section 77(1) (effect of certain orders made in England and Wales)	As if for section 77(1) there were substituted “(1) A parental order made in England and Wales has the same effect as section 46(1) of the 2002 Act as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations in Scotland as it has in England and Wales.”.
Section 108(1) and (2) (Rules: appointment of curators <i>ad litem</i> and reporting officers)	(i) As if in section 108(1) for “In the case of an application for a relevant order in relation to a

<i>Column 1</i>	<i>Column 2</i>
	<p>child” there were substituted “For the purpose of any application for a parental order”;</p> <p>(ii) as if in section 108(1)(b) for “adoption” there were substituted “the parental order”; and</p> <p>(iii) as if in section 108(2)(b) after “reporting officer” there were inserted “but that person shall not be any person or employee of any person holding a licence granted under section 11 of the Human Fertilisation and Embryology Act 1990, as amended by section 11 of the 2008 Act”.</p>
Section 109(1) (proceedings to be in private)	As if in section 109(1) for “relating to applications under any of the provisions mentioned in subsection (2)” there were substituted “in relation to a parental order or under section 24 (return of a child removed in breach of certain provisions) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Section 111 (evidence of consent)	<p>(i) As if in section 111(1) for “If a document signifying any” there were substituted “Any agreement or”;</p> <p>(ii) as if in section 111(1) for “this Act” there were substituted “section 54 of the 2008 Act”; and</p> <p>(iii) as if in section 111(1) after “to be given” there were inserted “to the making of a parental order or application for an order may be given in writing and, if a document signifying agreement or consent”.</p>
Section 113 (admissibility of certain documents as evidence)	<p>(i) As if in section 113(a) after “2002 Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and</p> <p>(ii) as if in section 113(b) after “Northern Ireland Order” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.</p>
Section 114(1) to (4) (rules of procedure)	(i) As if in section 114(1) after “this Act” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;

<i>Column 1</i>	<i>Column 2</i>
	(ii) as if in section 114(1) after “matters of procedure” there were inserted “arising out of an application under section 54 of the 2008 Act”;
	(iii) as if for section 114(2) there were substituted “(2) In the case of an application for a parental order, the rules must require any person mentioned in subsection (3), as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations, to be notified of the matters mentioned in subsection (4).”; and
	(iv) as if for section 114(3) there were substituted “(3) Those persons are every person who can be found and whose consent to the making of the order is required under section 54(6) of the 2008 Act.”.
Section 117 (orders and regulations)	(i) As if for the words “Scottish Ministers” on each occasion they appear there were substituted “Secretary of State”;
	(ii) as if after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iii) as if in section 117(4) after “subsection (5),” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iv) as if in section 117(4) “(other than an order under section 121)” were omitted and for “the Scottish Parliament” there were substituted “either House of Parliament”;
	(v) as if for section 117(5) there were substituted “(5) A statutory instrument containing regulations made under paragraphs 1(1) or 7(4) and (11) of schedule 1 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations is subject to annulment in pursuance of a resolution of the Scottish Parliament.”; and
	(vi) as if in section 117(6) after “this section,” and after “section 57(1)” there were inserted

<i>Column 1</i>	<i>Column 2</i>
	“as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Section 118 (meaning of “appropriate court”)	<p>(i) As if in section 118(1) after “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and</p> <p>(ii) as if in section 118(3)(a) there were substituted “(a) the application is for a parental order, and”.</p>
Section 119(1) (interpretation)	<p>(i) As if after “this Act,” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations,”;</p> <p>(ii) as if in the definition of “the 2002 Act” after “Adoption and Children Act 2002 (c.38)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p> <p>(iii) as if after the definition of “the 2002 Act” there were inserted ““the 2008 Act” means the Human Fertilisation and Embryology Act 2008 (c.22),”;</p> <p>(iv) as if in the definition of “the Northern Ireland Order” after “(S.I. 1987/2203)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(v) as if for the definition of “applicant” there were substituted ““applicant” has the meaning given by section 54 of the 2008 Act”; and</p> <p>(vi) as if after the definition of “overseas adoption” there were inserted ““Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010.”.</p>
Schedule 1, paragraphs 1, 2 and 4 (registration of adoption orders)	<p>(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;</p> <p>(ii) as if for the words “adoption order” on each occasion they appear there were substituted “parental order”;</p>



<i>Column 1</i>	<i>Column 2</i>
	(iii) as if in paragraph 1(2) after “sub-paragraph (1)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(iv) as if in paragraph 2(1) after “sub-paragraph (2)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(v) as if in paragraph 2(1) paragraph (b) were omitted; and
	(vi) as if in paragraph 2(2) for “word “Adopted”” there were substituted “words “Parental Order””.
Schedule 1, paragraph 5 (registration of adoptions in other parts of the British Islands)	(i) As if for paragraph 5(1) there were substituted “(1) Sub-paragraph (2), as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations, applies where the Registrar General is notified by the authority maintaining a register of parental orders in a part of the British Islands outwith Scotland that an order has been made in that part in respect of a child”;
	(ii) as if in paragraph 5(2) for “Adopted Children Register” there were substituted “Parental Order Register” and for “word “Adopted”” there were substituted “words “Parental Order””;
	(iii) as if paragraph 5(3) were omitted;
	(iv) as if in paragraph 5(4) for “sub-paragraphs (2) and (3)” there were substituted “sub-paragraph (2) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(v) as if in paragraph 5(5) after “sub-paragraph (4)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	and
	(vi) as if paragraph 5(6) were omitted.
Schedule 1, paragraph 7 (amendment of orders and rectification of registers)	(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 No. 985*

<i>Column 1</i>	<i>Column 2</i>
	<p>(ii) as if for the words “adopted person” on each occasion they appear there were substituted “person who is the subject of the parental order”;</p> <p>(iii) as if for the word “adopter” on each occasion it appears there were substituted “persons who obtained the order”;</p> <p>(iv) as if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;</p> <p>(v) as if in paragraph 7(3) “or 3” were omitted;</p> <p>(vi) as if in paragraph 7(3) after “paragraph 2” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;</p> <p>(vii) as if in paragraph 7(4) after “sub-paragraphs (1) to (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and</p> <p>(viii) as if paragraphs 7(9) and 7(10) were omitted.</p>
Schedule 1, paragraph 8 (marking of entries on re-registration of birth)	<p>(i) As if after “this Act” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and</p> <p>(ii) as if in paragraph 8(a) for “or 6” there were substituted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.</p>

SCHEDULE 4

Regulation 5

References in Enactments to be read as References to Parental Orders etc.

<i>Column 1</i>	<i>Column 2</i>
1. Schedule 1 to the Marriage Act 1949(19)	Any reference to an adoptive relationship (kindred and affinity) (however expressed) is to be read as including

(19) 1949 c.76; Schedule 1 was substituted by the Civil Partnership Act 2004 (c.4), section 261(1) and Schedule 27, paragraph 17.

<i>Column 1</i>	<i>Column 2</i>
	a reference to the corresponding relationship arising by virtue of a parental order.
2. Section 37(1) of the Succession (Scotland) Act 1964(20) (exclusion of certain matters from operation of Act)	The reference to the 2007 Act is to be read as including a reference to the 2007 Act, as applied with modifications by these Regulations.
3. Section 39E(5) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(21) (abbreviated extracts)	The reference to—  (a) the Adopted Children Register is to be read as including a reference to the Parental Order Register maintained by the Registrar General under section 53(1) of the 2007 Act, as applied with modifications by these Regulations; and  (b) adoption is to be read as including a reference to a parental order.
4. Section 43(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (recording of baptismal name or change of name or surname)	The reference to the Adopted Children Register is to be read as including a reference to the Parental Order Register maintained by the Registrar General under section 53(1) of the 2007 Act, as applied with modifications by these Regulations.
5. Article 37 of the Births and Deaths Registration (Northern Ireland) Order 1976(22) (registration or alteration of child’s name)	The references to the Adoption (Northern Ireland) Order 1987 and the Adopted Children Register maintained by the Registrar General under Article 50 of that Order, are to be read as including a reference to—  (a) the Adoption (Northern Ireland) Order, as applied with modifications by these Regulations; and  (b) the Parental Order Register maintained by the Registrar General under Article 50 of that Order, as applied with modifications by these Regulations.
6. Section 65(1)(h) of the Magistrates’ Courts Act 1980(23) (meaning of family proceedings)	The reference to the Adoption and Children Act 2002 is to be read as including a reference to any provision of that Act as applied with modifications by regulation 2 of, and Schedule 1 to, these Regulations.

(20) 1964 c.41; section 37(1) was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and schedule 2, paragraph 1(3).

(21) 1965 c.49; section 39E was inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), section 44(5).

(22) S.I. 1976/1041 (N.I. 14), amended by S.I. 1987/2203 (N.I. 22) and S.I. 1995/755 (N.I. 2).

(23) 1980 c.43; section 65(1)(h) was substituted by the Adoption and Children Act 2002 (c.38), section 139(1) and Schedule 3, paragraphs 36 and 37.

<i>Column 1</i>	<i>Column 2</i>
7. Section 1(5)(a) and (5A)(a) of the British Nationality Act 1981(24) (acquisition by birth or adoption)	The reference to an order authorising the adoption of a minor is to be read as including a reference to a parental order in respect of a minor.  The reference to the adopter or, in the case of a joint adoption, one of the adopters is to be read as including a reference to one of the persons who obtained the parental order.
8. Paragraph 3 of Schedule 1 to the Senior Courts Act 1981(25) (Distribution of Business in High Court: Family Division)	The reference to causes and matters relating to adoption is to be read as including a reference to proceedings under any provision of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of, and Schedule 1 to, these Regulations.
9. Section 2(5)(a) of the Foster Children (Scotland) Act 1984(26) (exceptions to section 1)	The reference to a child being placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of persons who propose to apply for a parental order in respect of that child.
10. Paragraph 5(vii) of Schedule 3 to the Child Abduction and Custody Act 1985(27) (Custody Orders: Scotland)	The reference to an adoption order is to be read as including a reference to a parental order.
11. Section 1(1)(b)(x) of the Family Law Act 1986(28) (child custody)	The reference to an adoption order is to be read as including a reference to a parental order.

- (24) 1981 c.61; section 1(5) was substituted by the Adoption (Intercountry Aspects) Act 1999 (c.18), section 7(1); the British Overseas Territories Act 2002 (c.8), section 5 and Schedule 1, paragraph 1(1) and (4); the Adoption and Children Act 2002 (c.38), section 137(3) and (4)(a).
- (25) 1981 c.54; paragraph 3 of Schedule 1 was amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 (c.16), section 5; the Family Law Act 1986 (c.55), section 68(1) and Schedule 1, paragraph 26; the Children Act 1989 (c.41), sections 92 and 108(5) and (6) and Schedule 11, paragraph 9 and Schedule 13, paragraph 45(3) and Schedule 14, paragraph 1; the Family Law Act 1996 (c.27), section 66(1) and Schedule 8, paragraph 51(a) and (b); the Welfare Reform and Pensions Act 1999 (c.30), section 84(1) and Schedule 12, Part I, paragraph 1; the Civil Partnership Act 2004 (c.33), section 261(1) and Schedule 27, paragraph 70; the Childcare Act 2006 (c.21), section 103(1) and Schedule 2, paragraph 3; and the Forced Marriage (Civil Protection) Act 2007 (c.20), section 3(1) and Schedule 2, Part 1, paragraph 1.
- (26) 1981 c.54; paragraph 3 of Schedule 1 was amended by the marriage (Prohibited Degrees of Relationship) Act 1986 (c.16); section 5; the Family Law Act 1986 (c.55), section 68(1) and Schedule 1, paragraph 26; the Children Act 1989 (c.41); sections 92 and 108(5) and (6) and Schedule 11, paragraph 9 and Schedule 13, paragraph 45(3) and Schedule 14, paragraph 1; the Family Law Act 1996 (c.27); section 66(1) and Schedule 8, paragraph 51(a) and (b); the Welfare Reform and Pensions Act 1999 (c.30), section 84(1) and Schedule 12, Part I, paragraph 1; the Civil Partnership Act 2004 (c.33), section 261(1) and Schedule 27, paragraph 70; the Childcare Act 2006 (c.21), section 103(1) and Schedule 2, paragraph 3; and the Forced Marriage (Civil Protection) Act 2007 (c.20), section 3(1) and Schedule 2, Part 1, paragraph 1.
- (27) 1985 c.60; paragraph 5(vii) of Schedule 3 was inserted by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and schedule 2, paragraph 4.
- (28) 1986 c.55; section 1(1)(b)(x) was inserted by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and schedule 2, paragraph 5.

<i>Column 1</i>	<i>Column 2</i>
12. Paragraph 5 of Schedule 8 to the Children Act 1989 <b>(29)</b> (privately fostered children: exemptions)	The reference to a child being placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of persons who propose to apply for a parental order in respect of that child.
13. Sections 27(2) (meaning of mother) and 28(5) (c) (meaning of father) of the Human Fertilisation and Embryology Act 1990 <b>(30)</b>	The references to adoption are to be read as including references to a parental order.
14. Section 6(2)(c) and (d), (5) and (7)(b) of the Judicial Pensions and Retirement Act 1993 <b>(31)</b> (grant and payment of a children's pension)	The references to adopted children are to be read as including children in respect of whom a parental order has been made.  The reference to the intention of adopting the child includes a reference to the intention of applying for a parental order in respect of a child.
15. Section 2(1)(d)(iii) of the Civil Evidence (Family Mediation)(Scotland) Act 1995 <b>(32)</b> (exceptions to the general rule of inadmissibility)	The reference to an adoption order is to be read as including a reference to a parental order.
16. Paragraph (7)(a) of Article 107 of the Children (Northern Ireland) Order 1995 <b>(33)</b> (privately fostered children further defined)	The reference to a child being placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of persons who propose to apply for a parental order in respect of that child.
17. Sections 64 and 65 of the Sexual Offences Act 2003 <b>(34)</b> (sex with an adult relative: penetration)	Any reference to an adoptive relationship (however expressed) is to be read as including a reference to the corresponding relationship arising by virtue of a parental order.
18. Schedule 1 to the Civil Partnership Act 2004 <b>(35)</b> (prohibited degrees of relationship: England and Wales)	Any reference to an adoptive relationship (however expressed) is to be read as including

**(29)** 1989 c.41; paragraph 5 of Schedule 8 was amended by the Adoption and Children Act 2002 (c.38), section 139(1) and Schedule 3, paragraphs 54 and 73 and the Children and Adoption Act 2006 (c.20), section 14(3).

**(30)** 1990 c.37; sections 27 and 28 do not have effect in relation to children carried by women as a result of the placing in them of embryos or of sperm and eggs, or their artificial insemination (as the case may be) on or after 6<sup>th</sup> April 2009. See section 57(2) of the 2008 Act.

**(31)** 1993 c.8; section 6(7) was amended by S.I. 2005/3325.

**(32)** 1995 c.6; section 2(1)(d)(iii) was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and schedule 2, paragraph 8.

**(33)** S.I. 1995/755 (N.I.2).

**(34)** 2003 c.42; sections 64 and 65 were amended by the Criminal Justice and Immigration Act 2008 (c.4), section 73(b) and Schedule 15, paragraphs 2, 5 and 6.

**(35)** 2004 c.33.

<i>Column 1</i>	<i>Column 2</i>
	a reference to the corresponding relationship arising by virtue of a parental order.
19. Section 58(2)(k) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 <sup>(36)</sup> (issuing of other material kept or held by Registrar General)	The references to the Adopted Children Register and to any register or book are to be read as including references to the Parental Order Register maintained by the Registrar General under section 53(1) of the 2007 Act and to any register or book maintained in pursuance of section 55(1) of that Act, both as applied with modifications by these Regulations.
20. Sections 33(2) (meaning of mother) and 38(4) (further provision relating to sections 35 and 36) of the 2008 Act	The references to adoption are to be read as including a reference to a parental order.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which apply to England and Wales, Northern Ireland and Scotland are made under the Human Fertilisation and Embryology Act 2008.

These Regulations apply, with modifications, certain sections of the Adoption and Children Act 2002 (“the 2002 Act”) (in regulation 2 and Schedule 1), Articles of the Adoption (Northern Ireland) Order 1987 (“the 1987 Order”) (in regulation 3 and Schedule 2) and sections of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”) (in regulation 3 and Schedule 3) to give effect to the arrangements by which a parental order may be obtained under section 54 of the Human Fertilisation and Embryology Act 2008 in England and Wales, Scotland and Northern Ireland. Such an order may be granted by a court in respect of a child who is born as a result of a surrogacy arrangement and who is the genetic child of at least one of the applicants for the parental order.

Provision is made at Schedule 4 to these Regulations for references, in enactments listed in column 1, to adoption, adopted child or an adoptive relationship to be read as including a reference to parental orders made under section 54 of the 2008 Act and for the purposes of paragraphs 1, 17 and 18 of Schedule 4, it also includes a reference to parental orders made under section 30 of the 1990 Act.

A full Impact Assessment of the effect that this instrument will have on the costs of businesses and the voluntary sector is available from the Department of Health website and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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<sup>(36)</sup> 2006 asp 14.