



Adoption and Children Act 2002

2002 CHAPTER 38

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

CHAPTER 2

FINAL PROVISIONS

144 General interpretation etc.

(1) In this Act—

“appropriate Minister” means—

- (a) in relation to England, Scotland or Northern Ireland, the Secretary of State,
- (b) in relation to Wales, the Assembly,

and in relation to England and Wales means the Secretary of State and the Assembly acting jointly,

“the Assembly” means the National Assembly for Wales,

“body” includes an unincorporated body,

“by virtue of” includes “by” and “under”,

“child”, except where used to express a relationship, means a person who has not attained the age of 18 years,

“the Convention” means the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993,

“Convention adoption order” means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999 (c. 18) (regulations giving effect to the Convention), is made as a Convention adoption order,

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“Convention country” means a country or territory in which the Convention is in force,

[^{F1}“court” means the High Court or the family court,]

“enactment” includes an enactment comprised in subordinate legislation,

“fee” includes expenses,

“guardian” has the same meaning as in the 1989 Act and includes a special guardian within the meaning of that Act,

“information” means information recorded in any form,

“local authority” means any unitary authority, or any county council so far as they are not a unitary authority,

“Northern Irish adoption agency” means an adoption agency within the meaning of Article 3 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)),

“Northern Irish adoption order” means an order made, or having effect as if made, under Article 12 of the Adoption (Northern Ireland) Order 1987,

“notice” means a notice in writing,

[^{F2}“registration authority” (in Part 1)—

(a) in relation to England, has the same meaning as in the Care Standards Act 2000 (c. 14), and

(b) in relation to Wales, means the Welsh Ministers,]

“regulations” means regulations made by the appropriate Minister, unless they are required to be made by the Lord Chancellor, the Secretary of State or the Registrar General,

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage [^{F3}or civil partnership],

[^{F4}“rules” means Family Procedure Rules made by virtue of section 141(1),]

“Scottish adoption order” means an order made, or having effect as if made, under section 12 of the Adoption (Scotland) Act 1978 (c. 28) [^{F5}or section 28(1) of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)],

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30),

“unitary authority” means—

(a) the council of any county so far as they are the council for an area for which there are no district councils,

(b) the council of any district comprised in an area for which there is no county council,

(c) the council of a county borough,

(d) the council of a London borough,

(e) the Common Council of the City of London.

(2) Any power conferred by this Act to prescribe a fee by ^{F6}...regulations includes power to prescribe—

(a) a fee not exceeding a prescribed amount,

(b) a fee calculated in accordance with the ^{F7}...regulations,

(c) a fee determined by the person to whom it is payable, being a fee of a reasonable amount.

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- (3) In this Act, “Scottish adoption agency” means—
- (a) a local authority, or
 - (b) a voluntary organisation providing a registered adoption service;
- but in relation to the provision of any particular service, references to a Scottish adoption agency do not include a voluntary organisation unless it is registered in respect of that service or a service which, in Scotland, corresponds to that service.
- Expressions used in this subsection have the same meaning as in the [^{F8}Public Services Reform (Scotland) Act 2010 (asp 8)] and “registered” means registered under [^{F9}Chapter 3 of Part 5] of that Act.
- (4) In this Act, a couple means—
- (a) a married couple, or
 - [^{F10}(aa) two people who are civil partners of each other, or]
 - (b) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship.
- (5) Subsection (4)(b) does not include two people one of whom is the other’s parent, grandparent, sister, brother, aunt or uncle.
- (6) References to relationships in subsection (5)—
- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for adoption, and
 - (b) include the relationship of a child with his adoptive, or former adoptive, parents,
- but do not include any other adoptive relationships.
- (7) For the purposes of this Act, a person is the partner of a child’s parent if the person and the parent are a couple but the person is not the child’s parent.

Textual Amendments

- F1** Words in s. 144(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 159](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 144(1) substituted (E.W.) (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), [21](#)
- F3** Words in s. 144(1) inserted (E.W.) (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 79\(11\)](#), [263\(2\)](#); S.I. 2005/3175, art. 2(9)
- F4** Words in s. 144(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 414](#); S.I. 2005/910, art. 3(y)
- F5** Words in s. 144 inserted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), [Sch. 1 para. 6\(7\)](#)
- F6** Words in s. 144(2) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 10\(a\)](#); S.I. 2014/889, art. 5(f)
- F7** Words in s. 144(2)(b) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 10\(b\)](#); S.I. 2014/889, art. 5(f)
- F8** Words in s. 144(3) substituted (28.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications of Enactments\) Order 2011 \(S.I. 2011/2581\)](#), art. 1(2)(b), [Sch. 2 para. 4\(b\)\(i\)](#)

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- F9** Words in s. 144(3) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 4(b)(ii)**
- F10** S. 144(4)(aa) inserted (E.W.) (30.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 79(12), 263(2)**; S.I. 2005/3175, art. 2(9)

Modifications etc. (not altering text)

- C1** S. 144(1)(2) applied (with modifications) (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 2, **Sch. 1**

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Changes and effects yet to be applied to :

- s. 144(1) words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 59\(b\)](#)
- s. 144(1) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 59\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))