

SCHEDULE 1

Regulation 2

Application and modification of the 2002 Act in respect of parental orders and applications for such orders

1. The provisions of the 2002 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

2. Section 1(1) (considerations applying to the exercise of powers) is modified as follows—

- (a) the words “or adoption agency” were omitted in each place they appear;
- (b) in subsection (1), for “the adoption of” there were substituted “the making of a parental order in relation to”;
- (c) in subsection (4), the words “or agency” were omitted in each place they appear;
- (d) in subsection (4)(c) for “an adopted person” there were substituted “the subject of a parental order”;
- (e) in subsection (4)(f) the words from “including” to the end were omitted;
- (f) subsection (5) were omitted;
- (g) in subsection (6)—
 - (i) for “the adoption of” there were substituted “the making of a parental order in relation to”;
 - (ii) after “whether” there were inserted “under section 54 or section 54A (as the case may be) of the Human Fertilisation and Embryology Act 2008”;
 - (iii) after the words “this Act”, where they first appear, there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
 - (iv) for “any order under this Act” there were substituted “an order under either of those sections or under this Act as so applied”; and
- (h) in subsection (7)—
 - (i) for “the adoption of” there were substituted “the making of a parental order in relation to”
 - (ii) for the words from “include” to “variation of such an order,” in paragraph (a) there were substituted “include a parental order (or the revocation of such an order),”;
 - (iii) the words “adoption agency or” in paragraph (b) were omitted; and
 - (iv) at the end the words “as modified” were inserted.

3. Section 2(5)(2) has effect in respect of a parental order without modification.

4.—(1) Section 36(1), (4), (6) and (7) (restrictions on removal) is modified as follows.

(2) Where an application for a parental order is made under section 54 of the 2008 Act (parental orders: two applicants), subsection (1) is to be read as if—

- (a) the words from “(“the people concerned”)” to “people concerned” were omitted;
- (b) for paragraph (a) there were substituted—

(1) Section 1 was amended by sections 3 and 9 of the Children and Families Act 2014 (c. 6) and section 9 of the Children and Social Work Act 2017 (c. 16).

(2) Section 2 has been amended by no amendments are relevant to this instrument.

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- “(a) who have applied for a parental order under section 54 of the 2008 Act in respect of the child and the application has not been disposed of”;
 - (c) paragraphs (b) and (c) were omitted; and
 - (d) 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)”.
- (3) Where an application for a parental order is made under section 54A of the 2008 Act (parental orders: one applicant), subsection (1) is to be read as if there were substituted—
- “(1) At any time when a child’s home is with a person who has applied for a parental order under section 54A of the 2008 Act in respect of the child, and the application has not been disposed of, a person may remove the child only in accordance with the provisions of this section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations).”
- (4) Subsection (4) has effect as if for “This section” there were substituted “In the case of an application for a parental order made under section 54(11) or 54A(11) of the 2008 Act, this section”.
- (5) Subsection (6) has effect as if—
- (a) paragraph (a) were omitted; and
 - (b) in paragraph (b), after “this section,” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- (6) Subsection (7) has effect as if 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”.
- 5.** Section 37(3) (applicants for adoption) has effect in respect of a parental order as if for “section 36(1)(a),” there were substituted “section 36(1) (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- 6.—**(1) Section 41 (recovery orders) is modified as follows.
- (2) Subsection (1) has effect as if—
- (a) for “any of the preceding provisions of this Chapter” there were substituted “section 36 and 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
 - (b) as if paragraph (b) were omitted.
- (3) Subsection (2) has effect as if after “subsection (4)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- (4) Subsection (3) has effect without modification.
- (5) Subsection (4) has effect as if—
- (a) after “subsection (2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
 - (b) paragraph (c) were omitted.
- 7.—**(1) Section 46(1) to (4) (adoption orders) is modified as follows.
- (2) Subsection (1) has effect as if it were substituted with—
- “(1) A parental order is an order transferring parental responsibility for a child to whom the order applies to the person or persons (as the case may be) who obtained the order.”

(3) Section 37 was amended by regulation 193 of [S.I. 2016/413](#).

- (3) Subsection (2) has effect as if—
 - (a) in the opening words, for “an adoption” there were substituted “a parental”;
 - (b) in paragraph (a), for “adopters or adopter” there were substituted “person or persons (as the case may be) who obtained the order” and for “adopted child” there were substituted “child who is the subject of the parental order”; and
 - (c) in paragraph (d), the word “adopted” were omitted and for “adoption” there were substituted “parental”.
- (4) Subsection (3) has effect as if—
 - (a) in the opening words, for “an adoption” there were substituted “a parental”; and
 - (b) paragraph (b) were omitted.

8.—(1) Section 48 (restrictions on making adoption orders) is modified as follows.

- (2) Subsection (1) Act has effect as if—
 - (a) for the words “an adoption order” there were substituted “a parental order”; and
 - (b) after “subsection (2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- (3) Subsection (2) has effect as if for paragraphs (a) and (b) there were substituted “for a parental order.”.

9.—(1) Section 60(1) and (4)(4) (disclosing information to adopted child) is modified as follows.

- (2) Subsection (1) has effect as if for “an adopted person” there were substituted “a person in relation to whom a parental order was made and”;
- (3) Subsection (4) has effect as if—
 - (a) the words “adopted” and “also” were omitted;
 - (b) for “adoption order” and “adoption” there were substituted “parental order”; and
 - (c) at the end there were inserted—
 - “, but the court must not provide a copy of any prescribed document or prescribed order to the person unless that person certifies that they have—
 - (a) been informed about the availability of services providing counselling in relation to the implications of compliance with the request; and
 - (b) been given a suitable opportunity to receive counselling.”.

10. Section 64(1)(5) (other provisions to be made by regulations) has effect as if—

- (a) for “this group of sections” there were substituted “the provisions of this Part in relation to the provision of information”; and
- (b) paragraphs (a) and (c) were omitted.

11. Section 65 (sections 56 to 65: interpretation) has effect as if there were substituted—

“65. Sections 56 to 65; interpretation

65. In this group of sections “prescribed” means prescribed by rules.”.

12. Section 67 has effect as if there were substituted—

(4) Section 60 has been amended, but those amendments are not relevant to this instrument.

(5) Section 64 was amended by section 79 of the Civil Partnership Act 2004 (c. 33).

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“67. Status conferred by the grant of a parental order

(1) A person to whom a parental order applies is to be treated in law as the child of the person or persons (as the case may be) who obtained that order, and, if more than one person, is to be treated as the child of the relationship of those persons.

(2) A person to whom a parental order applies is to be treated in law as not being the child of any person other than the person or persons (as the case may be) who obtained that order, but this subsection does not affect any reference in this Act to a person’s natural parent or to any other natural relationship.

(3) Where a parental order is granted under section 54A of the 2008 Act to a person who is a natural parent of the person to whom the order applies, subsection (2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

(4) This section has effect from the date of the parental order.

(5) Subject to the provisions of this Chapter as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations, this section—

- (a) applies for the interpretation of enactments or instruments passed or made before as well as after the making of the parental order, and so applies subject to any contrary indication, and
- (b) has effect as respects things done, or events occurring, on or after the making of the parental order.”.

13. Section 68(3) (adoptive relatives) has effect as if it applies in the case of a parental order under section 54 of the 2008 Act as if 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”.

14.—(1) Section 69 (rules of interpretation for instruments concerning property) Act is modified as follows.

(2) Subsection (1) has effect as if the words “and to Schedule 4” were omitted.

(3) Subsection (2) has effect as if—

- (a) after “and (2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
- (b) for “adoptive parent or parents” there were substituted “person or persons who obtained the parental order”;
- (c) in paragraph (a)—
 - (i) for “adopted person” there were substituted “person to whom the order applies”; and
 - (ii) for “adoption” there were substituted “the parental order”; and
- (d) in paragraph (b), for “adopted” there were substituted “who are the subject of parental orders made”.

(4) Subsection (3) has effect as if, in the note, after “subsection (2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(5) Subsection (4) has effect as if—

- (a) after “Section 67(3)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
- (b) for “adopted person” in both places where those words appear there were substituted “person who is the subject of a parental order”; and

- (c) for “adoption” there were substituted “parental order is made”;
- (6) Subsection (5) has effect as if—
 - (a) in paragraph (a), for “adopt” there were substituted “apply for a parental order in respect of”; and
 - (b) in paragraph (b)—
 - (i) after “section 67” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
 - (ii) in the case of a parental order obtained under section 54 of the 2008 Act, 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 under section 54 of the 2008 Act”; and
 - (iii) in the case of a parental order obtained under section 54A of the 2008, the words following “as her child” up to and including “one of the couple” were omitted.
- 15. Section 71 (property devolving with peerages etc) has effect as if—
 - (a) for the words “an adoption” in each place they appear there were substituted “a parental order”; and
 - (b) in subsection (3) after “Subsection (2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- 16. Section 73 (meaning of disposition) has effect as if in subsections (1) and (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)”.
- 17. Section 74(6) (miscellaneous enactments) has effect as if—
 - (a) after the words “Section 67” in both places they appear there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
 - (b) in subsection (1) after “not apply” there were inserted “so as to prevent a child to whom a parental order applies from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”.
- 18. Section 75 (pensions) has effect as if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.
- 19. Section 76(1) (insurance) has effect as if—
 - (a) for “is adopted whose” there were substituted “is a child to whom a parental order applies and the child’s”;
 - (b) for “adoption” there were substituted “parental order”;
 - (c) for the words “adoptive parents” in both places they appear there were substituted “person or persons (as the case may be) who obtained the parental order”; and
 - (d) in paragraph (b), for “are to be” there were substituted “are or is to be”.
- 20.—(1) Section 77 (adopted children register) is modified as follows.
 - (2) Section 77 has effect as if for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.
 - (3) Subsection (3) has effect as if—

(6) Section 74 was amended by paragraph 47 of Schedule 6 to the Sexual Offences Act 2003 (c. 42) and section 79 of the Civil Partnership Act 2004.

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- (a) in paragraph (a), for “adoption orders” there were substituted “parental orders”; and
 - (b) in paragraph (b), after “Schedule 1” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- (4) Subsection (4) has effect as if for “adoption” there were substituted “parental order”.
- (5) Subsection (5) has effect as if for the words “adopted person” in each place they appear there were substituted “person who is the subject of the parental order”.
- (6) Subsection (6) has effect as if for “adoptions” and for “adoption orders” there were substituted “parental orders”.

21. Section 78 has effect as if—

- (a) for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”; and
- (b) in subsection (3) for “an adopted person” there were substituted “a person who is the subject of a parental order”.

22.—(1) Section 79(7)(1) to (3) and (7) to (9) (connections between the register and birth records) is modified as follows.

- (2) Subsection (1) has effect as if—
- (a) 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)”;
 - (b) for “Adopted Children Register” there were substituted “Parental Order Register”.
- (3) Subsection (2) has effect as if after “subsection (1)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.
- (4) Subsection (3) has effect as if for “an adopted person” there were substituted “a person who to whom a parental order applies”.
- (5) Subsection (7) has effect as if for the words from “an adopted person” there were substituted “a person to whom a parental order applies and”.
- (6) Subsection (8) has effect as if for “any prescribed fee which he has demanded must be paid” there were substituted—
- “(a) any prescribed fee which he has demanded must be paid; and
 - (b) the applicant must—
 - (i) be informed about the availability of services providing counselling in relation to the implications of compliance with the request; and
 - (ii) be given a suitable opportunity to receive counselling.”.
- (7) Subsection (9) has effect as if the definition of “appointed day” were omitted.

23. Section 82 (interpretation) has effect in respect of parental orders without modification.

24.—(1) Section 83(8)(1), (5) and (7) to (9) (restriction on bringing children in) is modified as follows.

- (2) Subsection (1) has effect as if—
- (a) paragraph (b) were omitted;

(7) Section 79 was amended by section 79 of the Civil Partnership Act 2004, article 4 of [S.I. 2005/3542](#) and article 3 and Schedule 1 to [S.I. 2008/678](#)

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

- (b) for the word “adoption” in each place it appears there were substituted “an application for a parental order being made in relation to that child”; and
 - (c) the words “or to a child adopted” in each place they appear were omitted.
- (3) Subsection (5) has effect as if 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) applies”.
- (4) Subsection (7) has effect as if—
- (a) 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) applies”; and
 - (b) paragraph (a) were omitted.
- (5) Subsection (9) has effect as if the words “after consultation with the Assembly” were omitted.
- 25.** Section 101(1) (privacy) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.
- 26.—**(1) Section 102(9)(1) to (4) and (6) to (8) (officers of the service) is modified as follows.
- (2) The provisions described in paragraphs (1) and (3) have effect as if for the words “placement or adoption” there were substituted “a parental order”.
 - (3) Subsection (1) has effect as if the words “in prescribed cases” were omitted.
 - (4) Subsection (6) has effect as if there were substituted—
 - “(6) In this section, “relevant application” means an application for the making or revocation or a parental order.”.
- 27.—**(1) Section 104(1) (evidence of consent) has effect as if 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) or section 54A(5) of the 2008 Act)”.
- (2) Section 104(2) has effect without modification.
- 28.—**(1) Section 105(10)(3) and (4) (effect of certain Scottish orders and provisions) is modified as follows.
- (2) Section 105(3) has effect as if after “(3A)” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”.
 - (3) Section 105(4) applies as if—
 - (a) after “certain provisions” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”;
 - (b) after “this Act” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
- 29.—**(1) Section 106(3) and (4) (effect of certain Northern Irish orders and provisions) is modified as follows.
- (2) Subsection (3) applies as if—
 - (a) the words “or (2)” were omitted;
 - (b) for “(removal where adoption agreed etc)” there were substituted “(restrictions on removal where application is pending) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;

(9) Section 102 has been amended, but those amendments are not relevant to this instrument.

(10) Section 105 was amended by paragraph 6 of Schedule 1 to [S.I. 2011/1740](#).

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(c) as if paragraph (b) were omitted.

(3) Subsection (4) applies as if—

(a) after “remove child” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and

(b) after “this Act” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

30.—(1) Section 107(**11**) (use of adoption records from other parts of the British Islands) has effect as if—

(a) in subsection (a), after “as evidence”) there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”; and

(b) in subsection (b), after “Order 1987” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and

(c) in subsection (c), after “this Act” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

31.—(1) Section 140(**12**)(1), (2) and (7) to (9) (orders, rules and regulations) is modified as follows.

(2) The provisions referred to in sub-paragraph (1) apply as if after the words “this Act” in each place they appear there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(3) Subsection (1) has effect as if the words “the Lord Chancellor” and “the Scottish Ministers” and “the Assembly” were omitted.

(4) Subsection (2) has effect as if the words “(other than section 14 or 148 or an instrument to which subsection (3) applies)” were omitted.

32.—(1) Section 141 (rules of procedure) is modified as follows.

(2) In subsection (3)—

(a) omit the words from “a placement order” to “order, or for an”; and

(b) for “adoption order” substitute “a parental order”.

(3) For subsection (4) substitute—

“(4) The persons referred to in subsection (3) are every person whose agreement is required by section 54(6) or 54A(5) of the 2008 Act.”.

33.—(1) Section 144(1) and (2) (general interpretation) has effect as if—

(a) after the words “this Act” in each place they appear there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”; and

(b) before the definition of “appropriate Minister” there were inserted ““the 2008 Act” means the Human Fertilisation and Embryology Act 2008,”; and

(c) after the definition of “notice” there were inserted—

““parental orders” means either an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act;

(11) Section 107 was amended by paragraph 6 of Schedule 1 to [S.I. 2011/1740](#).

(12) Section 140 was amended by section 7 of the Children and Families Act 2014 and by section 15 of the Education and Adoption Act 2016 (c. 6).

“the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018,”;

- (d) 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”;
- (e) 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),”.

34.—(1) Paragraph 1 of Schedule 1 (registrations of adoption orders) has effect as if—

- (a) in sub-paragraph (1)—
 - (i) for “adoption order” there were substituted “parental order”; and
 - (ii) for “Adopted Children Register” there were substituted “Parental Order Register”;
- (b) in sub-paragraph (2)—
 - (i) for “an adoption order” there were substituted “a parental order”;
 - (ii) for “adoption” there were substituted “parental”; and
 - (iii) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;
- (c) sub-paragraph (3) were omitted; and
- (d) in sub-paragraph (4) for “an adoption order” there were substituted “a parental order”.

35.—(1) Paragraph 2 of Schedule 1 (registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands) has effect as if—

- (a) in sub-paragraph (1)—
 - (i) 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)”;
 - (ii) for “adoptions” there were substituted “parental orders”; and
 - (iii) 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”;
- (b) in sub-paragraph (2)—
 - (i) for “Adopted Children Register” there were substituted “Parental Order Register”;
 - (ii) for “the word “Adopted”” there were substituted “the words “Re-registered by the Registrar General””;
- (c) sub-paragraph (3) were omitted;
- (d) in sub-paragraph (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)”;
- (e) in sub-paragraph (5) after “sub-paragraph (4)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

36.—(1) Paragraph 4 of Schedule 1 (amendment of orders and rectification of Registers and other records) has effect as if—

- (a) for the words “an adoption order” in each place they appear there were substituted “a parental order”;

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- (b) for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”;
- (c) in sub-paragraph (1), for “adopter or the adopted person” there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”;
- (d) in sub-paragraph (2), for “adopter or the adopted person” in the opening words there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”;
- (e) in sub-paragraph (2)(a) and (b) for “the adopted person” there were substituted “the person who is the subject of the order”;
- (f) in sub-paragraph (3)—
 - (i) the words “or (3)” were omitted;
 - (ii) after “paragraph 1(2)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
- (g) in sub-paragraph (4) after “(1) to (3)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”;
- (h) in sub-paragraph (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)”;
- (i) sub-paragraphs (9) and (10) were omitted.