



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 3

Placement for adoption and adoption orders

Placement and adoption: general

Parental etc. consent

51.—(1) The court cannot dispense with the consent of any parent or guardian of a child to the child being placed for adoption or to the making of an adoption order in respect of the child unless the court is satisfied that—

- (a) the parent or guardian cannot be found or is incapable of giving consent; or
- (b) the welfare of the child requires the consent to be dispensed with.

(2) The following provisions apply to references in this Chapter to any parent or guardian of a child giving or withdrawing—

- (a) consent to the placement of a child for adoption; or
- (b) consent to the making of an adoption order (including a future adoption order).

(3) Any consent given by the mother to the making of an adoption order is ineffective if it is given less than six weeks after the child's birth.

(4) The withdrawal of any consent to the placement of a child for adoption, or of any consent given under section 17, is ineffective if it is given after an application for an adoption order is made.

(5) “Consent” means consent given unconditionally and with full understanding of what is involved; but a person may consent to adoption without knowing the identify of the persons in whose favour the order will be made.

(6) “Parent” (except in subsections (9) and (10)) means a parent having parental responsibility.

(7) Consent under section 16 or 17 must be given in the form prescribed by rules of court, and the rules of court may prescribe forms in which a person giving consent under any other provision of this Part may do so (if the person wishes).

(8) Consent given under section 16 or 17 must be withdrawn—

- (a) in the form prescribed by rules of court; or
- (b) by notice given to the adoption agency.

(9) Subsection (10) applies if—

- (a) an adoption agency has placed a child for adoption under section 15 in pursuance of consent given by a parent of the child, and
- (b) at a later time, the other parent of the child acquires parental responsibility for the child.

(10) The other parent is to be treated as having at that time given consent in accordance with this section in the same terms as those in which the first parent gave consent.

Modification of Children Order in relation to adoption

52.—(1) Where—

- (a) an adoption authority is authorised to place a child for adoption; or
- (b) a child who has been placed for adoption by an authority is less than six weeks old,

regulations may provide for the following provisions of the Children Order to apply with modifications, or not to apply, in relation to the child.

(2) The provisions are—

- (a) Article 26(2)(b), (c) and (d) and (3)(b) (duty to ascertain wishes and feelings of certain persons);
- (b) Articles 29 and 39 (promoting contact with parents and parents’ obligation to contribute towards maintenance).

(3) Where an appropriate voluntary organisation is authorised to place a child for adoption or a child who has been placed for adoption by an appropriate voluntary organisation is less than six weeks old, regulations may provide—

Status: This is the original version (as it was originally enacted).

- (a) for Article 76 of the Children Order to have effect in relation to the child whether or not the child is accommodated by or on behalf of the organisation;
- (b) for paragraphs (2)(b) to (d) and (3)(b) of that Article (duty to ascertain wishes and feelings of certain persons) to apply with modifications, or not to apply, in relation to the child.

(4) Where a child's home is with persons who have given notice of intention to adopt, no contribution is payable (whether under a contribution order or otherwise) under Articles 38 to 43 of the Children Order (contributions towards maintenance of children looked after by an authority) in respect of the period referred to in subsection (5).

(5) That period begins when the notice of intention to adopt is given and ends if—

- (a) the period of four months beginning with the giving of the notice expires without the prospective adopters applying for an adoption order; or
- (b) an application for such an order is withdrawn or refused.

(6) In this section, “notice of intention to adopt” includes notice of intention to apply for an adoption order under the law of any part of the United Kingdom.

Disclosing information to prospective adopters

53. Regulations under section 9 may require adoption agencies in prescribed circumstances to disclose in accordance with the regulations prescribed information to prospective adopters.

Revocation of adoptions on legitimisation

54.—(1) Where any child adopted by one natural parent as sole adoptive parent subsequently becomes a legitimated person on the marriage of, or formation of a civil partnership by, the natural parents, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke the order.

(2) In relation to an adoption order made by a county court, the reference to the court by which the order was made includes a reference to any other county court.