

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Health And Social Services And Social Security Adjudications Act 1983, Cross Heading: Children Act 1975 (c. 72.) is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### MISCELLANEOUS AMENDMENTS RELATING TO CHILDREN AND YOUNG PERSONS

##### *Children Act 1975 (c. 72.)*

- <sup>F1</sup>22 In section 4(1) of the Children Act 1975 (approval of adoption societies) for the word “desiring” there shall be substituted—
- (a) in the first place where it occurs, the words “which is a voluntary organisation and desires”; and
  - (b) in the second place where it occurs, the word “desires”.

#### **Textual Amendments**

- F1** Sch. 2 paras. 21-24, 27, 28 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch. 15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4))

- 23 In subsection (2)(b) of section 37 of that Act (custodianship order on application for adoption or guardianship) for the words “neither of whom falls within paragraph (a)” there shall be substituted the words “neither of whom is a relative of the child or the husband or wife of the mother or father of the child”.
- 24 The following subsections shall be substituted for subsection (1) of section 43A of that Act (restriction on removal of child from England and Wales)—
- “(1) An authorised court, on making an order to which this subsection applies or at any time while such an order is in force, may by order direct, if an application is made under this section, that no person shall take the child to whom the order relates out of England and Wales except with the leave of the court.
- (1A) Subsection (1) applies to the following orders under this Part of this Act—
- (a) a custodianship order; and
  - (b) an interim order under section 34(5) containing provision regarding legal custody.”.

25 In section 51 of that Act (restriction on removal of child where applicant has provided home for three years), for the word “custody”—

    - (a) where it secondly occurs in subsection (1); and
    - (b) in subsection (2),

there shall be substituted the words “care and possession”.

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26 In section 52 of that Act (return of child taken away in breach of section 51) for the word “custody”, except where it first occurs, there shall be substituted the words “care and possession”.

[<sup>F2</sup>27 In section 101 of that Act (appeals etc.)—

(a) the words “or the relevant adoption provisions”—

(i) shall be substituted, in subsection (1), for the words “or under section 34 or 34A of the <sup>M1</sup>Adoption Act 1958”; and

(ii) shall be inserted, in subsections (2) and (3), after the words “under this Act”; and

(b) the following subsection shall be added after subsection (4)—

“(5) In this section “the relevant adoption provisions” means sections 34, 34A and 35(2) of the Adoption Act 1958.”.]

**Textual Amendments**

**F2** Sch. 2 paras. 21–24, 27, 28 repealed (E.W.) (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(7), [Sch. 15](#), (with s. 108(6), Sch. 14 paras. 1(1), 27(4))

**Marginal Citations**

**M1** 1958 c. 5.

28 In section 103 of that Act (guardians ad litem etc.)—

(a) in subsection (1), for the words “a panel” there shall be substituted the words “one or more panels”; and

(b) the following subsection shall be substituted for subsection (2)—

“(2) Regulations under subsection (1) may provide—

(a) for the defrayment by local authorities of expenses incurred by members of a panel established by virtue of that subsection; and

(b) for the payment by local authorities of fees and allowances for members of such a panel.”.

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