

Status: Point in time view as at 19/06/1997.

Changes to legislation: There are currently no known outstanding effects for the Child Abduction Act 1984. (See end of Document for details)

SCHEDULE

Section 1(8).

MODIFICATIONS OF SECTION 1 FOR CHILDREN IN CERTAIN CASES

Children in care of local authorities and voluntary organisations

- 1 (1) This paragraph applies in the case of a child who is in the care of a local authority [^{F1}within the meaning of the Children Act 1989] in England or Wales.
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the consent of the local authority ^{F2} . . . in whose care the child is; and
 - (b) subsections (3) to (6) were omitted.

Textual Amendments

- F1** Words in the Schedule para. 1(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para.40\(2\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F2** Words in the Schedule para. 1(2)(a) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(7\), Sch.15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

Children in places of safety

- 2 [^{F3}(1) This paragraph applies in the case of a child who is—
- (a) detained in a place of safety under section 16(3) of the Children and Young Persons Act 1969; or
 - (b) remanded to local authority accommodation under section 23 of that Act.]
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference to the leave of any magistrates' court acting for the area in which the place of safety is; and
 - (b) subsections (3) to (6) were omitted.

Textual Amendments

- F3** [Sch. 1 para. 2\(1\)\(a\)\(b\)](#) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para. 40\(3\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

Adoption and custodianship

- 3 (1) This paragraph applies in the case of a child—

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- (a) who is the subject of an order under [^{F4}section 18 of the Adoption Act 1976] freeing him for adoption; or
 - (b) who is the subject of a pending application for such an order; or
 - (c) who is the subject of a pending application for an adoption order; or
 - (d) who is the subject of an order under [^{F5}section 55 of the Adoption Act 1976] relating to adoption abroad or of a pending application for such an order; or
 - ^{F6}(e) . . .
- (2) Where this paragraph applies, section 1 of this Act shall have effect as if—
- (a) the reference in subsection (1) to the appropriate consent were a reference—
 - (i) in a case within sub-paragraph (1)(a) above, to the consent of the adoption agency which made the application for the [^{F7}section 18 order or, if the section 18 order has been varied under section 21 of that Act so as to give parental responsibility to another agency], to the consent of that other agency;
 - (ii) in a case within sub-paragraph (1)(b), [^{F8}or (c)] above, to the leave of the court to which the application was made; and
 - (iii) in a case within sub-paragraph (1)(d) above, to the leave of the court which made the order or, as the case may be, to which the application was made; and
 - (b) subsections (3) to (6) were omitted.
- [^{F9}(3) Sub-paragraph (2) above shall be construed as if the references to the court included, in any case where the court is a magistrates' court, a reference to any magistrates' court acting for the same area as that court]

Textual Amendments

- F4** Words in Schedule para. 3(1)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(4)(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F5** Words in the Schedule para. 3(1)(d) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(4)(b)**(with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F6** Schedule para.3(1)(e) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F7** Words in Schedule para. 3(2)(a)(i) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(5)(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F8** Words in Schedule para. 3(2)(a)(ii) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(5)(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F9** Sch. para. 3(3) added (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para. 40(6)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Cases within paragraphs 1 and 3

- 4 In the case of a child falling within both paragraph 1 and paragraph 3 above, the provisions of paragraph 3 shall apply to the exclusion of those in paragraph 1.

Interpretation

- [^{F105} In this Schedule—

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- (a) “adoption agency” and “adoption order” have the same meaning as in the Adoption Act 1976; and
- (b) “area”, in relation to a magistrates’ court, means the petty sessions area (within the meaning of [^{F11}the Justices of the Peace Act 1997]) for which the court is appointed.

Textual Amendments

- F10** Sch. para. 5 (a)(b) substituted (14.10.1991) for Sch. para. 5 containing (1)-(4) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para.40(7)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F11** Words in Sch. para. 5(b) substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 20** (with Sch. 4 para. 27)

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