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Changes to legislation: Adoption and Children Act 2002, Cross Heading: Adoption and Children Act Register is up to date with all changes known to be in force on or before 07 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)



Adoption and Children Act 2002

2002 CHAPTER 38

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

VALID FROM 13/05/2014

Adoption and Children Act Register

VALID FROM 25/07/2014

125 Adoption and Children Act Register

- (1) Her Majesty may by Order in Council make provision for the Secretary of State to establish and maintain a register, to be called the Adoption and Children Act Register, containing—
 - (a) prescribed information about children who are suitable for adoption and prospective adopters who are suitable to adopt a child,
 - (b) prescribed information about persons included in the register in pursuance of paragraph (a) in respect of things occurring after their inclusion.
- (2) For the purpose of giving assistance in finding persons with whom children may be placed for purposes other than adoption, an Order under this section may—
 - (a) provide for the register to contain information about such persons and the children who may be placed with them, and

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- (b) apply any of the other provisions of this group of sections (that is, this section and sections 126 to 131), with or without modifications.
- (3) The register is not to be open to public inspection or search.
- (4) An Order under this section may make provision about the retention of information in the register.
- (5) Information is to be kept in the register in any form the Secretary of State considers appropriate.

VALID FROM 25/07/2014

126 Use of an organisation to establish the register

- (1) The Secretary of State may make an arrangement with an organisation under which any function of his under an Order under section 125 of establishing and maintaining the register, and disclosing information entered in, or compiled from information entered in, the register to any person is performed wholly or partly by the organisation on his behalf.
- (2) The arrangement may include provision for payments to be made to the organisation by the Secretary of State.
- (3) If the Secretary of State makes an arrangement under this section with an organisation, the organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State and the directions may be of general application (or general application in any part of Great Britain) or be special directions.
- (4) An exercise of the Secretary of State's powers under subsection (1) or (3) requires the agreement of the Scottish Ministers (if the register applies to Scotland) and of the Assembly (if the register applies to Wales).
- (5) References in this group of sections to the registration organisation are to any organisation for the time being performing functions in respect of the register by virtue of arrangements under this section.

VALID FROM 25/07/2014

127 Use of an organisation as agency for payments

- (1) An Order under section 125 may authorise an organisation with which an arrangement is made under section 126 to act as agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.
- (2) The organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Secretary of State; and the directions may be of general application (or general application in any part of Great Britain) or be special directions.

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- (3) An exercise of the Secretary of State's power to give directions under subsection (2) requires the agreement of the Scottish Ministers (if any payment agency provision applies to Scotland) and of the Assembly (if any payment agency provision applies to Wales).

VALID FROM 25/07/2014

128 Supply of information for the register

- (1) An Order under section 125 may require adoption agencies to give prescribed information to the Secretary of State or the registration organisation for entry in the register.
- (2) Information is to be given to the Secretary of State or the registration organisation when required by the Order and in the prescribed form and manner.
- (3) An Order under section 125 may require an agency giving information which is entered on the register to pay a prescribed fee to the Secretary of State or the registration organisation.
- (4) But an adoption agency is not to disclose any information to the Secretary of State or the registration organisation—
- (a) about prospective adopters who are suitable to adopt a child, or persons who were included in the register as such prospective adopters, without their consent,
 - (b) about children suitable for adoption, or persons who were included in the register as such children, without the consent of the prescribed person.
- (5) Consent under subsection (4) is to be given in the prescribed form.

VALID FROM 25/07/2014

129 Disclosure of information

- (1) Information entered in the register, or compiled from information entered in the register, may only be disclosed under subsection (2) or (3).
- (2) Prescribed information entered in the register may be disclosed by the Secretary of State or the registration organisation—
- (a) where an adoption agency is acting on behalf of a child who is suitable for adoption, to the agency to assist in finding prospective adopters with whom it would be appropriate for the child to be placed,
 - (b) where an adoption agency is acting on behalf of prospective adopters who are suitable to adopt a child, to the agency to assist in finding a child appropriate for adoption by them.
- (3) Prescribed information entered in the register, or compiled from information entered in the register, may be disclosed by the Secretary of State or the registration organisation to any prescribed person for use for statistical or research purposes, or for other prescribed purposes.

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- (4) An Order under section 125 may prescribe the steps to be taken by adoption agencies in respect of information received by them by virtue of subsection (2).
- (5) Subsection (1) does not apply —
 - (a) to a disclosure of information with the authority of the Secretary of State, or
 - (b) to a disclosure by the registration organisation of prescribed information to the Scottish Ministers (if the register applies to Scotland) or the Assembly (if the register applies to Wales).
- (6) Information disclosed to any person under subsection (2) or (3) may be given on any prescribed terms or conditions.
- (7) An Order under section 125 may, in prescribed circumstances, require a prescribed fee to be paid to the Secretary of State or the registration organisation—
 - (a) by a prescribed adoption agency in respect of information disclosed under subsection (2), or
 - (b) by a person to whom information is disclosed under subsection (3).
- (8) If any information entered in the register is disclosed to a person in contravention of subsection (1), the person disclosing it is guilty of an offence.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

PROSPECTIVE

^{F1}130 Territorial application

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Textual Amendments

- F1** S. 130 repealed (13.5.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 1 para. 7;](#)
[S.I. 2014/889, art. 5\(f\)](#)

PROSPECTIVE

131 Supplementary

- [^{F2}(1) In this group of sections—
- [^{F3}(za) “adoption agency” means—
- (i) a local authority in England,
 - (ii) a registered adoption society whose principal office is in England,]
 - (a) “organisation” includes a public body and a private or voluntary organisation,
 - (b) “prescribed” means prescribed by [^{F4}regulations],
 - (c) “the register” means the Adoption and Children Act Register,

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[^{F5}(ca) Welsh adoption agency” means—
(i) a local authority in Wales,
(ii) a registered adoption society whose principal office is in Wales.]

^{F6}(d)

^{F7}(e)

(2) For the purposes of this group of sections [^{F8}(except sections 125(1A) and 129(2A))] —

- (a) a child is suitable for adoption if an adoption agency is satisfied that the child ought to be placed for adoption,
- (b) prospective adopters are suitable to adopt a child if an adoption agency is satisfied that they are suitable to have a child placed with them for adoption.

[^{F9}(2A) For the purposes of sections 125(1A) and 129(2A)—

- (a) a child is suitable for adoption if a Welsh, Scottish or Northern Irish adoption agency is satisfied that the child ought to be placed for adoption,
- (b) prospective adopters are suitable to adopt a child if a Welsh, Scottish or Northern Irish adoption agency is satisfied that they are suitable to have a child placed with them for adoption.]

(3) Nothing authorised or required to be done by virtue of this group of sections constitutes an offence under section 93, 94 or 95.

^{F10}(4)

^{F10}(5)

^{F10}(6)

^{F10}(7)]

Textual Amendments

- F2** Ss. 125-131 cease to have effect (S.) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 11\(1\)](#); S.I. 2014/889, art. 5(f)
- F3** S. 131(1)(za) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(a\)](#); S.I. 2014/889, art. 5(f)
- F4** Word in s. 131(1)(b) substituted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(b\)](#); S.I. 2014/889, art. 5(f)
- F5** S. 131(1)(ca) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(c\)](#); S.I. 2014/889, art. 5(f)
- F6** S. 131(1)(d) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(d\)](#); S.I. 2014/889, art. 5(f)
- F7** S. 131(1)(e) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(2\)\(d\)](#); S.I. 2014/889, art. 5(f)
- F8** Words in s. 131(2) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(3\)](#); S.I. 2014/889, art. 5(f)
- F9** S. 131(2A) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(4\)](#); S.I. 2014/889, art. 5(f)
- F10** S. 131(4)-(7) omitted (13.5.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 1 para. 8\(5\)](#); S.I. 2014/889, art. 5(f)

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