
 STATUTORY INSTRUMENTS

1983 No. 1946 (C.53)

CHILDREN AND YOUNG PERSONS

**The Children Act 1975 and the Adoption Act 1976
(Commencement) Order 1983**

Made - - - - 22nd December 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 108(2) and (8) of the Children Act 1975 (a) and section 74(2) of the Adoption Act 1976 (b) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, extent and interpretation

1.—(1) This order may be cited as the Children Act 1975 and the Adoption Act 1976 (Commencement) Order 1983.

(2) This order shall not apply to Scotland.

(3) In this order—

“the Act” means the Children Act 1975;

“the 1958 Act” means the Adoption Act 1958 (c) .

Day appointed for the coming into force of certain provisions of the Act and sections 58A and 74 of the Adoption Act 1976

2.—(1) The provisions of the Act specified in the first column of Schedule 1 to this order and of each of the two appendices to that Schedule (which relate to the matters specified in the second column thereof) shall come into force on 27th May 1984.

(2) Sections 58A (information concerning adoption)(d) and 74 (short title, commencement and extent) of the Adoption Act 1976 shall come into force on 27th May 1984.

Transitional provisions and adaptations

3. The transitional provisions and adaptations contained in Schedule 2 to this order shall have effect in connection with the provisions brought into force by this order.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

22nd December 1983.

(a) 1975 c.72.

(b) 1976 c.36.

(c) 1958 c.5 (7 & 8 Eliz. 2).

(d) Section 58A was inserted by paragraph 35 of Schedule 2 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41).

Article 2

SCHEDULE 1

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 27TH MAY 1984

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 9	Child to live with adopters before order made.
Section 14(1) to (4) and (6) to (8)	Freeing child for adoption.
Section 15	Progress reports to former parent.
Section 16	Revocation of section 14 order.
Section 18	Need to notify local authority of adoption application.
Section 19	Interim orders.
Section 20(1) to (3)	Guardian ad litem and reporting officer.
Section 22(1) to (3)	Making of order.
Section 23	Transfer of parental rights and duties between adoption agencies.
Section 25	Adoption of children abroad.
Section 58, only insofar as it provides for the insertion of section 4B of the Children Act 1948 (c.43)	Supplementary proceedings relating to care proceedings (guardians ad litem).
Section 64, only insofar as it provides for the insertion of sections 32A(1) and 32B(2) of the Children and Young Persons Act 1969 (c.54)	Conflict of interest between parent and child or young person.
Section 102(1) and (2)	Evidence of agreement and consent.
In Schedule 3, the provisions specified in Annex A to this Schedule	Minor and consequential amendments.
In Schedule 4, the provisions specified in Annex B to this Schedule	Repeals.

APPENDIX A TO SCHEDULE 1

AMENDMENTS COMING INTO FORCE ON 27TH MAY 1984

<i>Provision in Schedule 3 to the Act</i>	<i>Enactment amended</i>
Paragraph 30(a)	Section 36(1) of the 1958 Act.
Paragraph 31(a)	Section 37(1) of the 1958 Act.
Paragraph 32	Section 40(6) of the 1958 Act.
Paragraph 36(a)	Section 52(1) of the 1958 Act.
Paragraph 44	Section 1 of the Adoption Act 1964 (c.57).
Paragraph 45	Section 3(3) of the Adoption Act 1964.
Paragraph 74(b) except insofar as it relates to the words from "Maintenance of Adoption Service" to "adoption agency" in the entry relating to Part I of the Children Act 1975, and to the entry relating to Part II of that Act	Schedule 1 to the Local Authority Social Services Act 1970 (c.42).
Paragraph 75(1)(d) only insofar as it inserts a new subsection (6) in section 9 of the Guardianship of Minors Act 1971 (c.3)	Section 9 of the Guardianship of Minors Act 1971
Paragraph 75(2)	Section 13(2) of the Guardianship of Minors Act 1971.

APPENDIX B TO SCHEDULE 1

REPEALS COMING INTO FORCE ON 27TH MAY 1984

<i>Provision in Schedule 4 to the Act</i>	<i>Subject matter</i>
Part IV only insofar as it relates to the provisions of section 4(3) (but not paragraphs (c) and (d), the repeals of which came into force on 26th November 1976), and to the provisions of sections 9(5) and 12(3) of the 1958 Act	Adoption Orders.
Part VIII	Adoption: Evidence of Agreement and Guardians Ad Litem.
Part IX	Inquiries etc by Adoption Agencies.
Part XI	Protected Children.

Article 3

SCHEDULE 2

Transitional Provisions and Adaptations

1. In this Schedule "relevant date" means 27th May 1984.
 2. Where an application for an adoption order has been made before the relevant date and has not been determined by that date, the provisions of sections 9, 18, 19, 20(1) to (3), 22(1) and (3) and 102(1) and (2) of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.
 3. Where an application for a provisional adoption order has been made before the relevant date and has not been determined by that date, the provisions of sections 9, 18, 19, 20(1) to (3), 22(3) and 25 of, and paragraph 36(a) of Schedule 3 to, the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.
 4. Where immediately before the relevant date the provisions of section 36 of the 1958 Act applied in respect of a child in the care of a local authority, that section shall apply in respect of that child as if paragraph 30(a) of Schedule 3 to the Act had not been brought into force by this order.
 5. In relation to a child who immediately before the relevant date is a protected child within the meaning of Part IV of the 1958 Act, section 37 of that Act shall apply as if paragraph 31(a) of Schedule 3 to the Act and Part XI of Schedule 4 thereto insofar as they relate to that section had not been brought into force by this order.
 6. Where, in relation to an application for an adoption order made before the relevant date, an interim order has been made under section 8 of the 1958 Act and that order is in force immediately before the relevant date, section 19 of the Act shall, notwithstanding that it has been brought into force by this order, not apply in connection with that application.
 7. Where a provisional adoption order has been made under section 53 of the 1958 Act and that order is in force immediately before the relevant date, section 52 of that Act shall apply as if paragraph 36(a) of Schedule 3 to the Act had not been brought into force by this order.
 8. Until the coming into force of section 1 of the Act, Part I thereof shall be subject to the following adaptations:—
 - (a) in sections 9, 14, 15, 16, 18, 20, 22 and 23 for the words "adoption agency" wherever they occur there shall be substituted the words "approved adoption society or local authority"; and
 - (b) in sections 9, 14, 15, 22 and 23 for the word "agency" wherever it occurs there shall be substituted the words "society or authority".
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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 27th May 1984 the provisions of the Children Act 1975 specified in Schedule 1 and its appendices to the order, subject to the transitional provisions and adaptations contained in Schedule 2 thereto. The order also brings into force sections 58A and 74 of the Adoption Act 1976. This order does not extend to Scotland.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

The following provisions of the Act have been brought into force by commencement orders^(a) made before the date of this Order.

Sections 4 to 7

Sections 8, 10 to 12

Section 17 (partially)

Section 21 (partially)

Section 22 (partially)

Section 24

Section 26 (partially)

Section 28 (partially)

Sections 29 to 32, 56 and 57

Section 58 (partially)

Sections 60 to 63

Section 64 (partially)

Sections 65, 67 to 69, 92, 93 and 101

Schedules 3 (partially) and 4 (partially)

^(a) S.I. 1976/1744, 1977/1036, 1978/1433, 1980/1475, 1981/1792.

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