Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

CHILDREN AND YOUNG PERSONS

The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011

Made - - - - 2011

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (4) and (5) of the Scotland Act 1998(**a**).

In accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011.

(2) This Order comes into force on the day after the day on which it is made.

(3) Subject to paragraph (4) any modification made by Schedules 1 and 2 has the same extent as the provisions being modified.

(4) Schedule 2 does not extend to Scotland.

Modifications

2. The modifications in Schedule 1 have effect.

(**a**) 1998 c.46.

Modifications extending to England, Wales and Northern Ireland

3. The modifications in Schedule 2 have effect.

Signed by the authority of the Secretary of State

Parliamentary Under Secretary of State
Scotland Office

Dover House,
London
2011

SCHEDULE 1

Article 2

CONSEQUENTIAL MODIFICATIONS: GENERAL

PART 1

AMENDMENT OF ACTS

Immigration Act 1971 (c.77)

1. In section 33(1) (interpretation) of the Immigration Act 1971(**a**)—

(a) in the definition of "Convention adoption" for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007"; and

(b) in the definition of "legally adopted" at the end insert "or by regulations made by the Scottish Ministers under section 67(1) of the Adoption and Children (Scotland) Act 2007".

Child Abduction and Custody Act 1985 (c.60)

2.—(1) The Child Abduction and Custody Act 1985 is amended as follows.

(2) In section 9 (suspension of court's powers in cases of wrongful removal)(**b**) for paragraph (d) substitute—

"(d) making, varying, amending or revoking a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1) or 14(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)).".

(3) In section 20 (suspension of court's powers)(**c**) for paragraph (d) of subsection (2) substitute—

"(d) in the case of proceedings for the making, varying, amending or revoking of a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1) or 14(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)), make, vary, amend or revoke such an order;".

Children Act 1989 (c.41)

3.—(1) The Children Act 1989 is amended as follows.

(2) In section 11B(**d**) (contact activity directions: further provision) after subsection 5(c)(ii) insert—

"(iii) by virtue of an application under section 30 of the Adoption and Children (Scotland) Act 2007 where subsection (3) of that section applies; or".

(**a**) The definition of "Convention adoption" was inserted by the Adoption (Intercountry Aspects) Act 1999 (c.18), Schedule 2, paragraph 2(a) and amended by the Adoption and Children Act 2002 (c.38), section 139 and Schedule 3, paragraph 15(a). The definition of "legally adopted" was amended by the Adoption (Intercountry Aspects) Act 1999 (c.18), Schedule 2, paragraph 2(b) and the Adoption and Children Act 2002 (c.38), section 139 and Schedule 3, paragraph 15(b).

(**b**) Section 9(d) was substituted by the Children (Scotland) Act 1995 (c.36), Schedule 4.

(**c**) Subsection (2)(d) was substituted by the Children (Scotland) Act 1995 (c.36), Schedule 4.

(**d**) Section 11B was inserted by the Children and Adoption Act 2006 (c.20), section 1.

(3) In Schedule 8 (privately fostered children), paragraph 5 for sub-paragraph (b) substitute—

"(b) section 119 of the Adoption and Children (Scotland) Act 2007; or".

Social Security Contributions and Benefits Act 1992 (c.4)

4. In section 171ZL(4B) (entitlement) of the Social Security Contributions and Benefits Act 1992(**a**) at the end insert—

"(c) in the case of an adoption or expected adoption under the law of Scotland he is a member of a relevant couple within the meaning of section 29(3) of the Adoption and Children (Scotland) Act 2007".

Family Law Act 1996 (c.27)

5. In section 62 of the Family Law Act 1996(**b**) (meaning of "cohabitants", "relevant child" and "associated persons")—

(a) after subsection (7)(b) insert—

", or

(c) he is the subject of a Scottish permanence order which includes provision granting authority to adopt";

(b) after subsection (7) insert—

"(8) In subsection (7)(c) "Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)).".

Adoption and Children Act 2002 (c.38)

6.—(1) The Adoption and Children Act 2002 is amended as follows.

(2) In section 47 (conditions for making adoption orders)(**c**)—

(a) in subsection (6) for the words from "is free" to "Northern Ireland" (where first appearing) substitute—

"—

(a) is the subject of a Scottish permanence order which includes provision granting authority for the child to be adopted, or

(b) is free for adoption by virtue of an order made,";

(b) after subsection (9) insert—

"(10) In this section, "Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)).".

(3) In section 85(2)(b) (restrictions on taking children out) for "section 49 of the Adoption (Scotland) Act 1978 (c.28)" substitute "section 59 of the Adoption and Children (Scotland) Act 2007 (asp 4)".

(4) In section 96(1) (excepted payments) after "the Adoption (Scotland) Act 1978 (c.28)" insert ", the Adoption and Children (Scotland) Act 2007 (asp 4)".

(**a**) Section 171ZL was inserted by the Employment Act 2002 (c.22), section 4. Subsection (4B) was inserted by S.I. 2006/2012.

(**b**) Subsection (7) was inserted by the Adoption and Children Act 2002 (c.38), Schedule 3, paragraph 87.

(**c**) Section 47 was amended by the Civil Partnership Act 2004 (c.33), section 79.

(5) In section 105 (effect of certain Scottish orders and provisions)—

(a) in subsection (2) from the beginning to the words "effect in Scotland" substitute "A Scottish permanence order which includes provision granting authority for the child to be adopted has the same effect in England and Wales as it has in Scotland";

(b) for subsection (3) substitute—

"(3) Any person who contravenes any of the provisions of the Adoption and Children (Scotland) Act 2007 mentioned in subsection (3A) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale or both.

(3A) The provisions are—

(a) section 20 (restrictions on removal: child placed for adoption);

(b) section 21 (restrictions on removal: notice of intention to adopt given);

(c) section 22 (restrictions on removal: application for adoption order pending).";

(c) in subsection (4) for "section 29 of that Act (order to return or not to remove child)" substitute "section 24 of the Adoption and Children (Scotland) Act 2007 (return of child removed in breach of certain provisions)";

(d) after subsection (4) insert—

"(5) In this section, "Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions Order 2009 (S.S.I. 2009/267)).".

(6) In section 107 (use of adoption records from other parts of the British Islands) for paragraph (a) substitute—

"(a) in Scotland under section 56(1) or (2) of the Adoption and Children (Scotland) Act 2007 (asp 4) (admissibility of extracts as evidence),".

(7) In section 144 (general interpretation etc.)(**a**) in the definition of "Scottish adoption order" at the end insert "or section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)".

(8) In Schedule 2 (disclosure of birth records by Registrar General), in paragraph 3(1)(b) for "section 45 of the Adoption (Scotland) Act 1978 (c.28)" substitute "section 55(4)(b) of the Adoption and Children (Scotland) Act 2007 (asp 4)".

PART 2

AMENDMENT OF SECONDARY LEGISLATION

Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686)

7. In article 2(2) (definitions) of the Personal Injuries (Civilians) Scheme 1983(**b**) for "section 38 of the Adoption (Scotland) Act 1978" substitute "section 39 of the Adoption and Children (Scotland) Act 2007".

Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459)

8. In Schedule 9 to the Income Support (General) Regulations (Northern Ireland) 1987(**c**) (sums to be disregarded in the calculation of income other than earnings) in paragraph 25(1)(b) at the end

(**a**) Section 144 was amended by the Courts Act 2003 (c.39), Schedule 8, paragraph 414 and by the Civil Partnership Act 2004 (c.33), section 79.
(**b**) The relevant amending instrument is S.I. 2001/420.
(**c**) S.R. 1987 No. 459 was amended by regulation 2(8)(b)(i) of S.R. 2005 No. 424 and regulation 2(6)(e)(i) of S.R. 2008 No. 498.

insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances scheme)".

Income Support (General) Regulations 1987 (S.I. 1987 No. 1967)

9.—(1) The Income Support (General) Regulations 1987(**a**) are amended as follows.

(2) In regulation 16 (circumstances in which a person is to be treated as being or not being a member of a household)—

(a) in paragraphs (4)(c) and (5)(e) for " the Adoption Agencies (Scotland) Regulations 1984(**b**)" substitute "the Adoption Agencies (Scotland) Regulations 2009(**c**)"; and

(b) in paragraph (8)(a), in the definition of "relevant enactment", for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 25(1)(a) after "(schemes for payment of allowances to adopters)" insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Family Credit (General) Regulations 1987 (S.I. 1987/1973)

10. In Schedule 2 (sums to be disregarded in the calculation of income other than earnings) to the Family Credit (General) Regulations 1987(**d**) in paragraph 22(1)(a) after "(schemes for payment of allowances to adopters)" insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))

11.—(1) The Adoption (Northern Ireland) Order 1987 is amended as follows.

(2) In Article 2(2) (interpretation)(**e**)—

(a) in the definition of "adoption agency" for "section 1 of the Adoption (Scotland) Act 1978 (adoption agencies in Scotland)" substitute "section 119(1)(a) of the Adoption and Children (Scotland) Act 2007 (interpretation)";

(b) in the definition of "adoption order"—

(i) in paragraph (b) for "section 12 of the Adoption (Scotland) Act 1978" substitute "section 29 or 30 of the Adoption and Children (Scotland) Act 2007";

(ii) in paragraph (c) for "section 49 of the Adoption (Scotland) Act 1978" substitute "section 59 of the Adoption and Children (Scotland) Act 2007";

(c) in the definition of "order freeing a child for adoption" for "or section 18 of the Adoption (Scotland) Act 1978" substitute "a Scottish permanence order which includes provision granting authority for the child to be adopted";

(d) in the definition of "overseas adoption" for "the Adoption (Scotland) Act 1978" substitute section 67(1) of the Adoption and Children (Scotland) Act 2007";

(**a**) The relevant amending instruments are S.I. 1988/663, 1990/547, 1992/468, 1992/3147, 1993/2119, 1996/206, 1996/1944, 1998/563, 2003/455, 2004/2308, 2005/2465, 2005/2678, 2008/3157, 2009/2655 and S.S.I. 2005/2078. There are other amending instruments but none is relevant to this order. Regulation 16 was also amended by section 148 and Schedule 4, paragraph 47 of the Mental Health Act 1983 (c.20) and the Armed Forces Act 1991 (c.62) (but with savings under articles 2 and 3(1) of S.I. 1991/2719).

(**b**) S.I. 1984/988, revoked by S.I. 1997/691.

(**c**) S.S.I. 2009/154, amended by S.S.I. 2010/172.

(**d**) The relevant amending instruments are S.I. 1997/65 and 1998/563.

(**e**) Article 2 was amended by the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c.11) (NI), sections 6, 11 and 14 and by S.I. 1995/755 (N.I.2) and S.I. 2003/431 (N.I. 9).

(e) after the definition of "relative" insert—

""Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267));".

(3) In Article 11 (restriction on arranging adoptions and placing children)(**a**) in paragraph (2)—

(a) for "under section 3 of the Adoption (Scotland) Act 1978" substitute "a registered adoption service provided as mentioned in paragraph 8(1) of schedule 12 to the Public Services Reform (Scotland) Act 2010 and registered under Part 5 of that Act";

(b) for "the society" substitute "it"; and

(c) for "section 1 of that Act of 1978" substitute "section 1(3) of the Adoption and Children (Scotland) Act 2007".

(4) In Article 16 (parental agreement)(**b**) in paragraph (1) after sub-paragraph (a) insert—

"(aa) the child is the subject of a Scottish permanence order which includes provision granting authority for the child to be adopted; or".

(5) In Article 30 (return of child taken away in breach of Article 28 or 29)(**c**) in paragraphs (1) and (2), in each case, for sub-paragraph (c) substitute—

"(c) section 20, 21 or 22 of the Adoption and Children (Scotland) Act 2007,".

(6) In Article 54 (disclosure of birth records of adopted children)(**d**)—

(a) in paragraph (3) after sub-paragraph (d) insert—

"(e) if he is in the United Kingdom and his adoption was arranged by a registered adoption service provided as mentioned in paragraph 8(1) of schedule 12 to the Public Services Reform (Scotland) Act 2010 and registered under Part 5 of that Act.";

(b) in paragraph (4)(b) for "section 45 of the Adoption (Scotland) Act 1978" substitute "section 55(4)(b) of the Adoption and Children (Scotland) Act 2007".

(7) In Article 58(1) (restriction on removal of children for adoption outside Northern Ireland)(**e**) for "section 49 of the Adoption (Scotland) Act 1978" substitute "section 59 of the Adoption and Children (Scotland) Act 2007".

(8) In Article 63(2) (evidence of adoptions, etc.) for "section 45(2) of the Adoption (Scotland) Act 1978" substitute "section 56 of the Adoption and Children (Scotland) Act 2007".

Adoption Agencies Regulations (Northern Ireland) 1989 (S.R. 1989 No. 253)

12.—(1) The Adoption Agencies Regulations (Northern Ireland) 1989 are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) at the end insert—

""Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267));".

(3) In regulation 9 (adoption agency's duties in respect of proposed placement)—

(a) In paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (2A)".

(**a**) Article 11 was amended by the Care Standards Act 2000 (c.14), section 116 and Schedule 4 and by S.I. 1995/755 (N.I.2) and S.I. 2003/431.
(**b**) Article 16 was amended by S.I. 1995/755 S.I. 1998/1504 (N.I. 9) article 65 and Schedule 5.
(**c**) Article 30 was amended by S.I. 1995/755 (N.I.2).
(**d**) Article 54 was amended by S.I. 1995/755 (N.I.2) and S.I. 2003/431 (N.I. 9).
(**e**) Article 58 was amended by S.I. 1995/755 (N.I.2).

(b) after paragraph (2) insert—

"(2A) Where the child is subject to a Scottish permanence order which includes provision granting authority for the child to be adopted, the adoption agency shall refer its proposal to place a child for adoption to the adoption panel only if the local authority, on whose application the order was made, or in whom the mandatory provision has been vested, has been consulted and agrees with the proposal.

(2B) In paragraph (2A) "mandatory provision" shall be construed in accordance with section 81(1) of the Adoption and Children (Scotland) Act 2007.".

(4) In regulation 13(1) (review of case where no placement made within six months of freeing for adoption)—

(a) for "section 18(5) of the Adoption (Scotland) Act 1978" substitute "where a child is subject to a Scottish permanence order which includes provision granting authority for the child to be adopted"; and

(b) for "section 18 or 21 of the Adoption (Scotland) Act 1978" substitute "that Scottish permanence order".

Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887)

13.—(1) The Disability Working Allowance (General) Regulations 1991 are amended as follows.

(2) In regulation 10 (membership of the same household)—

(a) in paragraph (2)(d) for "the Adoption Agencies (Scotland) Regulations 1984" substitute "the Adoption Agencies (Scotland) Regulations 2009";

(b) in paragraph (3)(b) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(3) In Schedule 3, paragraph 22 (sums to be disregarded in the calculation of income other than earnings)(**a**) in sub-paragraph (1)(a) after "(schemes for payments of allowances to adopters)" insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Disability Working Allowance (General) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 78)

14. In paragraph 22(1)(b) of Schedule 3 (sums to be disregarded in the calculation of income other than earnings) to the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**b**) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (S.I. 1992/1815)

15. In paragraph 25 of Schedule 2 (amounts to be disregarded when calculating or estimating N and M) to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**c**) after "(schemes for the payment of allowances to adopters)" insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

National Assistance (Assessment of Resources) Regulations 1992 (S.I. 1992/2977)

16. In paragraph 17(1)(b) (or, in so far as applying in Scotland, paragraph 17(b)) of Schedule 3 (sums to be disregarded in the calculation of income other than earnings) to the National

(**a**) Paragraph 22 of Schedule 3 was amended by S.I. 1998/563. There are other amendments to this instrument which are not relevant to this Order.
(**b**) There are amendments to this instrument which are not relevant to this Order.
(**c**) The relevant amending instruments are S.I. 1993/913, 1998/5, 1999/977 and 2005/785.

Assistance (Assessment of Resources) Regulations 1992(**a**) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2))

17. In Article 107(7)(a) (privately fostered children further defined) of the Children (Northern Ireland) Order 1995(**b**) for head (iii) substitute—

"(iii) section 119(1) of the Adoption and Children (Scotland) Act 2007;".

Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198)

18.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996 are amended as follows.

(2) In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (4)(c) at the end insert "or, in Scotland, under the Adoption Agencies (Scotland) Regulations 2009"; and

(b) in paragraph (5)(f) at the end insert "or, in Scotland, under the Adoption Agencies (Scotland) Regulations 2009".

(3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 26(1)(b)(**c**) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Jobseeker's Allowance Regulations 1996 (S.I. 1996/207)

19.—(1) The Jobseeker's Allowance Regulations 1996(**d**) are amended as follows.

(2) In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (4)(d) and (5)(h) for "the Adoption Agencies (Scotland) Regulations 1984" substitute "the Adoption Agencies (Scotland) Regulations 2009";

(b) in paragraph 9(a) and (b) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(3) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) in paragraph 26(1)(a)(**e**) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Housing Renewal Grants Regulations 1996 (S.I. 1996/2890)

20.—(1) The Housing Renewal Grants Regulations 1996(**f**) are amended as follows.

(2) In regulation 9 (circumstances in which a person is to be treated as being or not being a member of the household) in paragraphs (3) and (4) for "the Adoption Agencies (Scotland) Regulations 1984" substitute "the Adoption Agencies (Scotland) Regulations 2009".

(**a**) Paragraph 17 was renumbered paragraph 17(1) in relation to England by S.I. 2003/2343 and in relation to Wales by S.I. 2003/2530. Paragraph 17(b) was amended in relation to Scotland by S.S.I. 2006/113.

(**b**) There are amendments to this instrument which are not relevant to this Order.

(**c**) Paragraph 26(1)(b) was amended by regulation 4(8)(b)(i) of S.R. 2005 No. 424 and by regulation 3(6)(d) of S.R. 2008 No. 498.

(**d**) The relevant amending instrument is S.I. 2008/3157.

(**e**) Paragraph 26 was amended by S.I. 2005/2465.

(**f**) Amended by paragraph 25 of Schedule 10 to the Children Act 1989 (c.41) and by S.I. 2002/530 and 2002/2798; there are other amending instruments but none is relevant.

(3) In Schedule 3 (sums to be disregarded in the determination of income other than earnings) in paragraph 22(1)(a) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland) (Scotland) Regulations 1996 (S.I. 1996/3267)

21.—(1) The Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996 are amended as follows.

(2) In regulation 1(2) (citation, commencement, interpretation and extent)(**a**)—

(a) in the definition of "corresponding England and Wales Order", for "parental responsibilities order" substitute "permanence order";

(b) in the definition of "corresponding Northern Ireland Order", for "parental responsibilities order" substitute "permanence order"; and

(c) after the definition of "corresponding Northern Ireland Order" insert—

""permanence order" means an order—

(a) granted under section 80 of the Adoption and Children (Scotland) Act 2007 (permanence orders) which contains the following provisions:

(i) the mandatory provisions mentioned in section 81 of that Act (permanence orders: mandatory provision) vesting in the local authority; and

(ii) the ancillary provisions mentioned in section 82(1)(a), (c)(i) and (d)(i) of that Act (permanence orders: ancillary provisions); or

(b) having effect by virtue of article 13(1) or 14(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009;".

(3) In regulations 4 (transfer of supervision requirements etc from Scotland to England and Wales) and 5(**b**) (transfer of supervision requirements etc from Scotland to Northern Ireland) in paragraphs (1), (2)(b), (3) and (4) for "parental responsibilities order" substitute "permanence order".

(4) In column 1 of Schedule 4, for section **C** substitute—

"**C. Court Orders**

6. Permanence order made, or treated as being made, under section 80 of the Adoption and Children (Scotland) Act 2007".

(5) In column 1 of Schedule 5 for section **C** substitute—

"**C. Court orders permanence order**

6. Permanence order made, or treated as being made, under section 80 of the Adoption and Children (Scotland) Act 2007.".

Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (S.I. 2000/419)

22.—(1) The Data Protection (Miscellaneous Subject Access Exemptions) Order 2000(**c**) is amended as follows.

(2) In the Schedule (Exemptions from section 7) Part III (enactments and instruments extending to Scotland)—

(**a**) Regulation 1(2) has been amended, for Scotland only, by S.S.I. 2009/429.
(**b**) Regulations 4 and 5 have been amended, for Scotland only, by S.S.I. 2009/429.
(**c**) The relevant amending instrument is S.I. 2000/1865.

(a) in paragraph (a) (adoption records and reports) at the end insert—

"Sections 53 and 55 of the Adoption and Children (Scotland) Act 2007.

Regulation 28 of the Adoption Agencies (Scotland) Regulations 2009.

Regulation 3 of the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009(**a**).";

(b) in paragraph (d) (parental order records and reports) at the end insert—

"Rules 21 and 25 of the Sheriff Court Adoption Rules 2009(**b**).".

Adoption of Children from Overseas Regulations (Northern Ireland) 2002 (S.R. 2002 No. 144)

23. In regulation 3(4) of the Adoption of Children from Overseas Regulations (Northern Ireland) 2002 (requirements applying to prospective adopters) in the definition of "adoption agency" for "section 1 of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007".

Paternity and Adoption Leave Regulations (Northern Ireland) 2002 (S.R. 2002 No. 377)

24.—(1) The Paternity and Adoption Leave Regulations (Northern Ireland) 2002 are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007";

(b) in paragraph (4)(b) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009(**c**)".

(3) In regulation 22(1)(b) (disrupted placement in the course of adoption leave) for "section 30(3) of the Adoption (Scotland) Act 1978" substitute ", in Scotland, the child is returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007".

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 378)

25.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(**d**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007";

(b) in paragraph (2)(b) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

(3) In regulation 22(1)(a)(ii) (adoption pay period in cases where adoption is disrupted) for "section 30(3) of the Adoption (Scotland) Act 1978" substitute ", in Scotland, the child is returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007".

(**a**) S.S.I. 2009/268.
(**b**) S.S.I. 2009/284. The Sheriff Court Adoption Rules are provided in the Schedule.
(**c**) S.S.I. 2009/154, amended by S.S.I. 2010/172.
(**d**) There have been amendments to this instrument which are not relevant to this Order.

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 379)

26. In paragraph (4) of regulation 11 (provision of information relating to entitlement to statutory paternity pay or statutory adoption pay) of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002(**a**) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 382)

27. In regulation 1(3) (citation, commencement and interpretation) of the Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002(**b**) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

Disqualification from Caring for Children (England) Regulations 2002 (S.I. 2002/635)

28. In regulation 2 (grounds for disqualification) of the Disqualification from Caring for Children (England) Regulations 2002 at the end insert—

> "(12) He has had, by virtue of the making of a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007, all parental responsibilities or parental rights in relation to a child removed.".

Child Tax Credit Regulations 2002 (S.I. 2002/2007)

29.—(1) The Child Tax Credit Regulations 2002(**c**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "placing for adoption" for "the Adoption Agencies (Scotland) Regulations 1984" substitute "the Adoption Agencies (Scotland) Regulations 2009".

(3) In regulation 3(1) (circumstances in which a person is or is not responsible for a child or qualifying young person) in Rule 4—

(a) in Case A(**d**), paragraph (i) for "section 26 of the Children (Scotland) Act 1995(**e**)" substitute "regulation 33 of the Looked After Children (Scotland) Regulations 2009(**f**)"; and

(b) in Case B, paragraph (ii) for "section 26 of the Children (Scotland) Act 1995" substitute "regulation 33 of the Looked After Children (Scotland) Regulations 2009".

Paternity and Adoption Leave Regulations 2002 (S.I. 2002/2788)

30.—(1) The Paternity and Adoption Leave Regulations 2002(**g**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007";

(b) in paragraph (4)(b) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

(**a**) There have been amendments to this instrument which are not relevant to this Order.
(**b**) There have been amendments to this instrument which are not relevant to this Order.
(**c**) The relevant amending instruments are S.I. 2003/738, 2005/2919 and 2005/3238.
(**d**) Amended by S.I. 2009/2151.
(**e**) 1995 c.36. Section 26 was amended by the Adoption and Children (Scotland) Act 2009 (asp 4), schedule 3.
(**f**) S.S.I. 2009/210, amended by S.S.I. 2009/290.
(**g**) Applied, with modifications, by S.I. 2003/921. The relevant amending instrument is S.I. 2006/2014.

(3) In regulation 22(1)(b)(ii) (disrupted placement in the course of adoption leave) for "section 30(3) of the Adoption (Scotland) Act 1978" substitute ", in Scotland, the child is returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007".

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 (S.I. 2002/2820)

31.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002(**a**) are amended as follows.

(2) In paragraph (4) of regulation 11 (provision of information relating to statutory paternity pay or statutory adoption pay) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (S.I. 2002/2822)

32.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(**b**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007";

(b) in paragraph (2)(b) for "regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996" substitute "regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009".

(3) In regulation 22(1)(a)(ii) (adoption pay period in cases where adoption is disrupted) for "section 30(3) of the Adoption (Scotland) Act 1978" substitute ", in Scotland, the child is returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007".

Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 (S.I. 2002/3236)

33.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(**c**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "adopter", in paragraph (b), for "section 22 of the Adoption (Scotland) Act 1978" substitute "section 18 of the Adoption and Children (Scotland) Act 2007";

(b) in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007".

Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 16)

34.—(1) The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(**d**) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of "RSCA" insert—

> ""Scottish permanence order" means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009);".

(**a**) There have been amendments to this instrument which are not relevant to this Order.
(**b**) There are amendments to this instrument which are not relevant to this Order.
(**c**) The relevant amending instrument is S.I. 2006/3314.
(**d**) Amended by S.R. 2006 No. 336.

(3) In regulation 23(1)(b) (duty of adoption agency in respect of assessment of a child) for "section 18 of the Adoption (Scotland) Act 1978" substitute "is subject to a Scottish permanence order which includes provision granting authority for the child to be adopted".

(4) In regulation 25(3)(c) (HSS trust decision and notification) at the end insert "or the date the Scottish permanence order which includes provision granting authority for the child to be adopted was made".

(5) In regulation 30(b) (prescribed requirements for the purposes of making a Convention adoption order) for "section 18 of the Adoption (Scotland) Act 1978 (freeing children for adoption in Scotland)" substitute "or the child is subject to a Scottish permanence order which includes provision granting authority for the child to be adopted".

Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 174)

35.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "adopter", in paragraph (b) for "section 22 of the Adoption (Scotland) Act 1978" substitute "section 18 of the Adoption and Children (Scotland) Act 2007";

(b) in the definition of "adoption agency" for "section 1(4) of the Adoption (Scotland) Act 1978" substitute "section 119(1) of the Adoption and Children (Scotland) Act 2007".

Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 8)

36. In paragraph 25(1)(c) of Schedule 3 (sums to be disregarded in the determination of income other than earnings) to the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Disqualification from Caring for Children (Wales) Regulations 2004 (S.I. 2004/2695 (W.235))

37. After paragraph 24 of the Schedule (relevant persons) to the Disqualification from Caring for Children (Wales) Regulations 2004(**b**) insert—

"**24A.** The person has had, by virtue of the making of a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007, all parental responsibilities or parental rights in relation to the child removed.".

Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004 (O.S. 2004/2695 (Cy.235))

38. After paragraph 24 of the Schedule (Atodlen - personau perthnasol) to Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004(**c**), insert—

"**24A**. Tynnwyd oddi ar y person yr holl gyfrifoldebau rhiant neu hawliau rhiant mewn perthynas â phlentyn, yn rhinwedd gorchymyn sefydlogrwydd a wnaed o dan adran 80 o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007.".

Housing Benefit Regulations 2006 (S.I. 2006/213)

39.—(1) The Housing Benefit Regulations 2006(**d**) are amended as follows.

(**a**) There are amendments to this instrument that are not relevant to this Order.
(**b**) There are amendments to this instrument which are not relevant to this Order.
(**c**) Mae diwygiadau eraill i'r offeryn hwn nad ydynt yn berthnasol i'r Gorchymyn hwn.
(**d**) The relevant amending instruments are S.I. 2007/2868, 2008/1042 and 2008/3157.

(2) In regulation 2(1) (interpretation) in the definition of "young individual" in paragraph (e) after "Schedule 3 to that Act" insert "or has ceased to be a child in relation to whom a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 has been made, or treated as being made".

(3) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraphs (3)(c) and (4)(c) for "the Adoption Agencies (Scotland) Regulations 1996" substitute "the Adoption Agencies (Scotland) Regulations 2009";

(b) in paragraph (6) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(4) In paragraph 25 of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) in sub-paragraph (1)(a) at the end insert "or in accordance with a scheme made under section 71 (adoption allowance schemes) of the Adoption and Children (Scotland) Act 2007".

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214)

40.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of "young individual" in paragraph (e) after "Schedule 3 to that Act" insert "or has ceased to be a child in relation to whom a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 has been made, or treated as being made".

(3) In regulation 13D (determination of a maximum rent (LHA)) in paragraph (12) in the definition of "care leaver" in sub-paragraph (d) after "Schedule 3 to that Act" insert "or has ceased to be a child in relation to whom a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 has been made, or treated as being made,".

(4) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraphs (3)(c) and (4)(c) for "the Adoption Agencies (Scotland) Regulations 1996" substitute "the Adoption Agencies (Scotland) Regulations 2009";

(b) in paragraph (6) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

Council Tax Benefit Regulations 2006 (S.I. 2006/215)

41.—(1) The Council Tax Benefit Regulations 2006(**b**) are amended as follows.

(2) In regulation 11 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraphs (2)(c) and (3)(c) for "the Adoption Agencies (Scotland) Regulations 1996" substitute "the Adoption Agencies (Scotland) Regulations 2009".

(b) in paragraph (5) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) in paragraph 26(1)(a) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

(**a**) The relevant amending instrument is S.I. 2007/2869.
(**b**) The relevant amending instruments are S.I. 2008/3157 and S.S.I. 2010/2449.

Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216)

42. In regulation 11 (circumstances in which a person is to be treated as being or not being a member of the household) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**)—

(a) in paragraphs (2)(c) and (3)(c) for "the Adoption Agencies (Scotland) Regulations 1996" substitute "the Adoption Agencies (Scotland) Regulations 2009"; and

(b) in paragraph (5) for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

Child Benefit (General) Regulations 2006 (S.I. 2006/223)

43. In regulation 16(5) (child or qualifying young persons in detention, care etc.) of the Child Benefit (General) Regulations(**b**) for paragraph (b) substitute—

"(b) the Adoption Agencies (Scotland) Regulations 2009, or".

Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405)

44. In paragraph 26 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) to the Housing Benefit Regulations (Northern Ireland) 2006(**c**) in sub-paragraph (1)(c) at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606)

45. In Part II of Schedule 6 (interpretation) to the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**d**) in item 18 and the definition of "adopted" for "section 38 of the Adoption (Scotland) Act 1978" substitute "section 39 of the Adoption and Children (Scotland) Act 2007".

Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280)

46. In paragraph 25(1)(c) of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) to the Employment and Support Allowance Regulations (Northern Ireland) 2008 at the end insert "or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Employment and Support Allowance Regulations 2008 (S.I. 2008/794)

47.—(1) The Employment and Support Allowance Regulations 2008(**e**) are amended as follows.

(2) In regulation 2 (interpretation) in the definition of "relevant enactment" for "the Adoption (Scotland) Act 1978" substitute "the Adoption and Children (Scotland) Act 2007".

(3) In regulation 156(5)(d) and (6)(g) (circumstances in which a person is to be treated as being or not being a member of the household) for "the Adoption Agencies (Scotland) Regulations 1996" substitute "the Adoption Agencies (Scotland) Regulations 2009".

(4) In paragraph 26(1)(a) of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) at the end insert "or in accordance with an adoption allowance scheme made

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(**a**) There are amendments to this instrument which are not relevant to this Order.
(**b**) There are amendments to this instrument which are not relevant to this Order.
(**c**) The relevant amending instrument is S.R. 2006 No. 498.
(**d**) There are amendments to this instrument which are not relevant to this Order.
(**e**) The relevant amending instruments are S.I. 2008/2428, 2008/3157, 2009/583, 2009/2655, 2010/641, 2010/671, 2010/840, 2010/1881 and 2010/1941.

under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)".

Childcare (Disqualification) Regulations 2009 (S.I. 2009/1547)

48. In Schedule 1 (orders etc. relating to the care of children) to the Childcare (Disqualification) Regulations 2009 after paragraph 14 insert—

"**14A.** A permanence order made, or treated as being made, under section 80 of the Adoption and Children (Scotland) Act 2007.".

Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 (S.I. 2010/1703 (W.163))

49. In Schedule 1 (orders etc. relating to the care of children) to the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010(**a**) after paragraph 15 insert—

"**15A.** A permanence order made, or treated as being made, under section 80 of the Adoption and Children (Scotland) Act 2007.".

Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010 (O.S. 2010/1703 (Cy.163))

50. In Schedule 1 (Atodlen 1 – gorchmynion etc. mewn perthynas â gofal plant) to Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010 after paragraph 15 insert—

"**15A** Gorchymyn sefydlogrwydd a wnaed, neu a drinnir fel pe bai wedi ei wneud, o dan adran 80 o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007.".

PART 3

REPEALS AND REVOCATIONS

Enactment	*Extent of repeal or revocation*
Social Security Contributions and Benefits Act 1992 (c.4).	In section 171ZL(4B)(b)(**b**) the words "of Scotland or".
Family Law Act 1996 (c.27).	In section 62(7)(b), paragraph (ii).
Care Standards Act 2000 (c.14)	In Schedule 4, paragraph 12, the words "which is approved".
Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))	In Article 16(1)(a) the words from "or made in Scotland" to "(freeing children for adoption in Scotland)". In Article 33(1A), sub-paragraph (b) and the word "or" immediately preceding that sub-paragraph. In Article 54(3)(d) head (iii), and the word "or" immediately preceding it.
Adoption Agencies Regulations (Northern Ireland) 1989 (S.R. 1989 No. 253)	In regulation 9(2)(b) the words ", or section 18(5) or 21 of the Adoption (Scotland) Act 1978".

(**a**) There have been amendments to this instrument which are not relevant to this Order.
(**b**) Section 171ZL was inserted by the Employment Act 2008 (c.22). Subsection (4B) was inserted by section 4 S.I. 2006/2012.

Enactment	*Extent of repeal or revocation*
	In regulation 17 the words "or section 18 of the Adoption (Scotland) Act 1978" and "or section 19(3) or (4) of the Adoption (Scotland) Act 1978".
Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (S.I. 2000/419)	In the Schedule, Part III, paragraph (a) the words "section 45 of the Adoption (Scotland) Act 1978".
Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 16)	In regulation 25(3)(c) the words "or section 18 of the Adoption (Scotland) Act 1978".

SCHEDULE 2

Article 3

CONSEQUENTIAL MODIFICATIONS: ENGLAND AND WALES AND NORTHERN IRELAND

PART 1

AMENDMENT OF ACTS

Child Abduction and Custody Act 1985 (c.60)

1.—(1) Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders)(**a**) is amended as follows.

(2) In paragraph 5 after sub-paragraph (vi) insert—

"(vii) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4));

(viii) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.".

(3) After paragraph 5 insert—

"**5A.** The reference in paragraph 5(viii) to a permanence order includes a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009.".

Family Law Act 1986 (c.55)

2.—(1) Section 1 of the Family Law Act 1986 is amended as follows.

(2) In subsection (1)(b) (orders to which Part 1 applies) after sub-paragraph (ix), insert—

"(x) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4));

(xi) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.".

(3) After subsection (3) insert—

"(3A) In subsection (1)(b)(xi) "permanence order" includes a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009.".

Children (Scotland) Act 1995 (c.36)

3.—(1) The Children (Scotland) Act 1995 is amended as follows.

(2) In section 44 (prohibition of publication of proceedings at children's hearing)(**b**), at the end insert—

(**a**) Paragraph 5 was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4. Sub-paragraphs (vii) and (viii) were inserted by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, extending to Scotland only.

(**b**) Section 44 was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.

"(6) The requirements of subsection (1) do not apply in relation to the publication by or on behalf of a local authority or an adoption agency (within the meaning of the Adoption and Children (Scotland) Act 2007 (asp 4)) of information about a child for the purposes of making arrangements in relation to the child under this Act or that Act.".

(3) In subsection (2) of section 93 (interpretation of Part 2)(**a**), after paragraph (b) of the definition of "relevant person" insert—

"(ba) any person in whom parental responsibilities or parental rights are vested by, under or by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007 (asp 4), including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009);".

Adoption (Intercountry Aspects) Act 1999 (c.18)

4. In section 1 of the Adoption (Intercountry Aspects) Act 1999 (regulations giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption)(**b**), after subsection (6) insert—

"(7) References in this section to enactments include references to Acts of the Scottish Parliament.".

Adoption and Children Act 2002 (c.38)

5. In section 123(3)(a) of the Adoption and Children Act 2002 (restriction on advertisements etc.)(**c**) after "(N.I. 22)" insert "or section 60 or 75 of the Adoption and Children (Scotland) Act 2007 (asp 4)".

Income Tax (Trading and Other Income) Act 2005 (c.5)

6. In section 745 of the Income Tax (Trading and Other Income) Act 2005(**d**)—

(a) in paragraph (a), for the words from "or" where it first occurs, to "court)", substitute "which is an excepted payment by virtue of paragraph (a) or (c) of subsection (2) of section 73 of the Adoption and Children (Scotland) Act 2007 (asp 4),";

(b) in paragraph (b), for the words from "under" to the end of the paragraph, substitute "which are excepted payments by virtue of paragraph (b) of that subsection,"; and

(c) in paragraph (d), for "section 51A" substitute "section 71".

PART 2

AMENDMENT OF SECONDARY LEGISLATION

The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003 (S.I. 2003/499)

7.—(1) The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003(**e**) are amended as follows.

(2) In Schedule 1 (application of Part 12ZA of the Act to adoptions from overseas), in the entry modifying section 171ZJ(1), in paragraph (b) of the definition of "relevant domestic authority" for

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(**a**) Section 93(2) was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**b**) Subsection (7) was inserted, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**c**) Section 123(3) was amended, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedules 2 and 3.
(**d**) Section 745 was amended by the Finance (No. 3) Act 2010 (c.33), section 2 and, for Scotland, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2.
(**e**) Amended by S.I. 2004/488 and S.I. 2010/153 and, for Scotland only, by S.S.I. 2011/159.

"Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

(3) In Schedule 2 (application of Part 12ZB of the Act to adoptions from overseas), in the entry modifying section 171ZS(1), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (S.I. 2003/921)

8. In regulation 4(2)(b) (interpretation) of the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003(**a**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Administration) Regulations 2003 (S.I 2003/1192)

9. In regulation 3(2)(d) (application of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 to adoptions from overseas) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Administration) Regulations 2003(**b**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003 (S.I. 2003/1194)

10. In regulation 2(1) (interpretation and scope) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003(**c**), in paragraph (b) of the definition of "relevant domestic authority" for "Intercountry Adoption (Hague Convention) (Scotland) Regulations" substitute "Adoptions with a Foreign Element (Scotland) Regulations 2009".

PART 3

REPEALS AND REVOCATIONS

Enactment	*Extent of repeal or revocation*
Health and Social Services and Social Security Adjudications Act 1983 (c.41)	In Schedule 2, paragraphs 38 to 45.
Child Abduction and Custody Act 1985 (c.60)	In Schedule 3, paragraph 5(ii) and (iia).
Family Law Act 1986 (c.55)	Section 1(1)(b)(ii) and (iii). In Schedule 1, paragraph 31.
Children Act 1989 (c.41)	Section 88(2). In Schedule 10, Part 2.
Human Fertilisation and Embryology Act 1990 (c.37)	In Schedule 4, paragraph 6.

(**a**) Amended by S.I. 2005/2114 and for Scotland only, by S.S.I. 2011/159.
(**b**) Amended, for Scotland only, by S.S.I. 2011/159.
(**c**) Amended by S.I. 2004/488 and S.I. 2005/2114 and, for Scotland only, by S.S.I. 2011/159.

Enactment	*Extent of repeal or revocation*
Adoption (Intercountry Aspects) Act 1999 (c.18)	Section 18(2). In Schedule 2, paragraphs 2(a) and 4.
Care Standards Act 2000 (c.14)	In Schedule 4, paragraph 6.
Adoption and Children Act 2002 (c.38)	In section 123(3)(a), the words "section 11 or 50 of the Adoption (Scotland) Act 1978 (c.28) or". Sections 132 to 134. In Schedule 3, paragraphs 21 to 35 and 84.
Income Tax (Trading and Other Income) Act 2005 (c.5)	Section 745(c)(**a**).
The Ordinary Statutory Paternity Pay (Adoption), Additional Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoption from Overseas) (Persons Abroad and Mariners) Regulations 2010 (S.I. 2010/150)	In regulation 4(2)(d), in the definition of "relevant central authority", the words "Part 3 of".
The Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations 2010 (S.I. 2010/1057)	In regulation 2(1), in sub-paragraph (b) of the definition of "relevant central authority" the words "Part 3 of".
The Additional Paternity Leave (Adoptions from Overseas) Regulations 2010 (S.I. 2010/1059)	In regulation 2(1), in sub-paragraph (b) of the definition of "relevant central authority" the words "Part 3 of"(**b**).
The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2469)(**c**).	The whole Order.
The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) (Amendment) Order 2011 (S.I. 2011/1345).	The whole Order.

(**a**) All the repeals to primary legislation in this Schedule have been made, for Scotland only, by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 3.
(**b**) The repeals for the statutory instruments in this Schedule have been made, for Scotland only, by S.S.I. 2011/159.
(**c**) Amended by S.I. 2011/1345.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications and repeals in consequence of the Adoption and Children (Scotland) Act 2007 (and regulations made thereunder) which restates and amends the law in Scotland relating to adoption and the care of children.

Article 2 and Parts 1 and 2 of Schedule 1 make consequential amendments to primary and subordinate legislation. Part 3 of Schedule 1 makes repeals and revocations to primary and subordinate legislation.

Article 3 and Part 1 (paragraphs 1 to 6) and Part 3 of Schedule 2 make consequential amendments and repeals to primary legislation which do not extend to Scotland as these amendments and repeals have already been effected, for Scotland, by the Adoption and Children (Scotland) Act 2007, schedules 2 and 3.

Part 2 (paragraphs 7 to 10) and Part 3 of Schedule 2 also make consequential amendments and revocations to subordinate legislation. These do not extend to Scotland as they have already been made, for Scotland, by the Adoption with a Foreign Element (Scotland) Amendment Regulations 2011 (S.S.I. 2011/159).

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2011 No.

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DEVOLUTION, SCOTLAND

CHILDREN AND YOUNG PERSONS

The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011

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