Draft Regulations laid before Parliament under section 62(4) of the Human Fertilisation and Embryology Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

HUMAN FERTILISATION AND EMBRYOLOGY

The Human Fertilisation and Embryology (Parental Orders) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State for Health and Social Care makes these Regulations in exercise of the powers conferred by sections 55(1) and (2) and 61(3) of the Human Fertilisation and Embryology Act 2008(**a**).

A draft of these Regulations was laid before Parliament in accordance with section 62(4) of that Act and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Human Fertilisation and Embryology (Parental Orders) Regulations 2018 and come into force on the day after the day on which they are made.

(2) Any provision of these Regulations which applies an enactment with modifications has the same extent as the enactment to which it relates.

(3) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations—

"the 2002 Act" means the Adoption and Children Act 2002(**b**);

"the 2007 Act" means the Adoption and Children (Scotland) Act 2007(**c**);

"the 2008 Act" means the Human Fertilisation and Embryology Act 2008;

"the 1987 Order" means the Adoption (Northern Ireland) Order 1987(**d**).

(5) In these Regulations "parental order" means an order under section 54(**e**) (parental orders: two applicants) or 54A(**f**) (parental orders: one applicant) of the 2008 Act.

(**a**) 2008 c. 22. Section 55(1)(a) and (b) were amended by article 2(6) of the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018.
(**b**) 2002 c. 38.
(**c**) 2007 asp 4.
(**d**) S.I. 1987/2203 (N.I. 22).
(**e**) Section 54 was amended by the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018.000). Other amendments have been made, but those amendments are not relevant to this instrument.
(**f**) Section 54A was inserted by the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018.

Application of certain provisions of the 2002 Act subject to modifications

2. Schedule 1 provides for certain provisions of the 2002 Act to have effect in relation to parental orders and applications for parental orders made in England and Wales as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in that Schedule.

Application of certain provisions of the 2007 Act subject to modifications

3. Schedule 2 provides for certain provisions of the 2007 Act to have effect in relation to parental orders and applications for parental orders made in Scotland as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in that Schedule.

Application of certain provisions of the 1987 Order subject to modifications

4. Schedule 3 provides for certain provisions of the 1987 Order to have effect in relation to parental orders and applications for parental orders made in Northern Ireland as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in that Schedule.

References in enactments to be read as references to parental orders etc

5. Schedule 4 provides that the provisions of the enactments set out in that Schedule have effect in relation to parental orders and applications for parental orders as they have effect in relation to adoption orders and applications for such orders, subject to the modifications set out in that Schedule.

Revocation and savings

6.—(1) The Human Fertilisation and Embryology (Parental Orders) Regulations 2010(**a**) ("the 2010 Regulations") are revoked.

(2) But the 2010 Regulations still apply to—

(a) an application for a parental order made under section 54 of the 2008 Act made before the coming into force of these Regulations; and

(b) an order made under section 30 of the Human Fertilisation and Embryology Act 1990(**b**).

Signed by the authority of the Secretary of State for Health and Social Care.

Name
Parliamentary Under-Secretary of State,
Department for Health and Social Care

Address
Date

SCHEDULE 1

Regulation 2

Application and modification of the 2002 Act in respect of parental orders and applications for such orders

1. The provisions of the 2002 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

(**a**) S.I. 2010/985.
(**b**) 1990 c. 37. Section 30 was repealed by Part 1 of Schedule 8 to the 2008 Act from 6th April 2010.

2. Section 1(**a**) (considerations applying to the exercise of powers) is modified as follows—

(a) the words "or adoption agency" were omitted in each place they appear;

(b) in subsection (1), for "the adoption of" there were substituted "the making of a parental order in relation to";

(c) in subsection (4), the words "or agency" were omitted in each place they appear;

(d) in subsection (4)(c) for "an adopted person" there were substituted "the subject of a parental order";

(e) in subsection (4)(f) the words from "including" to the end were omitted;

(f) subsection (5) were omitted;

(g) in subsection (6)—

(i) for "the adoption of" there were substituted "the making of a parental order in relation to";

(ii) after "whether" there were inserted "under section 54 or section 54A (as the case may be) of the Human Fertilisation and Embryology Act 2008";

(iii) after the words "this Act", where they first appear, there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(iv) for "any order under this Act" there were substituted "an order under either of those sections or under this Act as so applied"; and

(h) in subsection (7)—

(i) for "the adoption of" there were substituted "the making of a parental order in relation to"'

(ii) for the words from "include" to "variation of such an order," in paragraph (a) there were substituted "include a parental order (or the revocation of such an order),";

(iii) the words "adoption agency or" in paragraph (b) were omitted; and

(iv) at the end the words "as modified" were inserted.

3. Section 2(5)(**b**) has effect in respect of a parental order without modification.

4.—(1) Section 36(1), (4), (6) and (7) (restrictions on removal) is modified as follows.

(2) Where an application for a parental order is made under section 54 of the 2008 Act (parental orders: two applicants), subsection (1) is to be read as if—

(a) the words from "("the people concerned")" to "people concerned" were omitted;

(b) for paragraph (a) there were substituted—

"(a) who have applied for a parental order under section 54 of the 2008 Act in respect of the child and the application has not been disposed of";

(c) paragraphs (b) and (c) were omitted; and

(d) for the words from "group of sections" to "Northern Irish adoption agency" there were substituted "section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(3) Where an application for a parental order is made under section 54A of the 2008 Act (parental orders: one applicant), subsection (1) is to be read as if there were substituted—

"(1) At any time when a child's home is with a person who has applied for a parental order under section 54A of the 2008 Act in respect of the child, and the application has not been disposed of, a person may remove the child only in accordance with the provisions of

(**a**) Section 1 was amended by sections 3 and 9 of the Children and Families Act 2014 (c. 6) and section 9 of the Children and Social Work Act 2017 (c. 16).

(**b**) Section 2 has been amended by no amendments are relevant to this instrument.

this section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)."

(4) Subsection (4) has effect as if for "This section" there were substituted "In the case of an application for a parental order made under section 54(11) or 54A(11) of the 2008 Act, this section".

(5) Subsection (6) has effect as if—

(a) paragraph (a) were omitted; and

(b) in paragraph (b), after "this section," there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(6) Subsection (7) has effect as if for "This group of sections applies" there were substituted "This section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations) apply".

5. Section 37(**a**) (applicants for adoption) has effect in respect of a parental order as if for "section 36(1)(a)," there were substituted "section 36(1) (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

6.—(1) Section 41 (recovery orders) is modified as follows.

(2) Subsection (1) has effect as if—

(a) for "any of the preceding provisions of this Chapter" there were substituted "section 36 and 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(b) as if paragraph (b) were omitted.

(3) Subsection (2) has effect as if after "subsection (4)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(4) Subsection (3) has effect without modification.

(5) Subsection (4) has effect as if—

(a) after "subsection (2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(b) paragraph (c) were omitted.

7.—(1) Section 46(1) to (4) (adoption orders) is modified as follows.

(2) Subsection (1) has effect as if it were substituted with—

"(1) A parental order is an order transferring parental responsibility for a child to whom the order applies to the person or persons (as the case may be) who obtained the order.".

(3) Subsection (2) has effect as if—

(a) in the opening words, for "an adoption" there were substituted "a parental";

(b) in paragraph (a), for "adopters or adopter" there were substituted "person or persons (as the case may be) who obtained the order" and for "adopted child" there were substituted "child who is the subject of the parental order"; and

(c) in paragraph (d), the word "adopted" were omitted and for "adoption" there were substituted "parental".

(4) Subsection (3) has effect as if—

(a) in the opening words, for "an adoption" there were substituted "a parental"; and

(b) paragraph (b) were omitted.

8.—(1) Section 48 (restrictions on making adoption orders) is modified as follows.

(2) Subsection (1) Act has effect as if—

(**a**) Section 37 was amended by regulation 193 of S.I. 2016/413.

(a) for the words "an adoption order" there were substituted "a parental order"; and

(b) after "subsection (2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(3) Subsection (2) has effect as if for paragraphs (a) and (b) there were substituted "for a parental order.".

9.—(1) Section 60(1) and (4)(**a**) (disclosing information to adopted child) is modified as follows.

(2) Subsection (1) has effect as if for "an adopted person" there were substituted "a person in relation to whom a parental order was made and";

(3) Subsection (4) has effect as if—

(a) the words "adopted" and "also" were omitted;

(b) for "adoption order" and "adoption" there were substituted "parental order"; and

(c) at the end there were inserted—

", but the court must not provide a copy of any prescribed document or prescribed order to the person unless that person certifies that they have—

(a) been informed about the availability of services providing counselling in relation to the implications of compliance with the request; and

(b) been given a suitable opportunity to receive counselling.".

10. Section 64(1)(**b**) (other provisions to be made by regulations) has effect as if—

(a) for "this group of sections" there were substituted "the provisions of this Part in relation to the provision of information"; and

(b) paragraphs (a) and (c) were omitted.

11. Section 65 (sections 56 to 65: interpretation) has effect as if there were substituted—

"Sections 56 to 65; interpretation

65. In this group of sections "prescribed" means prescribed by rules.".

12. Section 67 has effect as if there were substituted—

"Status conferred by the grant of a parental order

67.—(1) A person to whom a parental order applies is to be treated in law as the child of the person or persons (as the case may be) who obtained that order, and, if more than one person, is to be treated as the child of the relationship of those persons.

(2) A person to whom a parental order applies is to be treated in law as not being the child of any person other than the person or persons (as the case may be) who obtained that order, but this subsection does not affect any reference in this Act to a person's natural parent or to any other natural relationship.

(3) Where a parental order is granted under section 54A of the 2008 Act to a person who is a natural parent of the person to whom the order applies, subsection (2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

(4) This section has effect from the date of the parental order.

(5) Subject to the provisions of this Chapter as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations, this section—

(**a**) Section 60 has been amended, but those amendments are not relevant to this instrument.
(**b**) Section 64 was amended by section 79 of the Civil Partnership Act 2004 (c. 33).

(a) applies for the interpretation of enactments or instruments passed or made before as well as after the making of the parental order, and so applies subject to any contrary indication, and

(b) has effect as respects things done, or events occurring, on or after the making of the parental order.".

13. Section 68(3) (adoptive relatives) has effect as if it applies in the case of a parental order under section 54 of the 2008 Act as if for the words from "adoptive mother" onwards there were substituted "mother and father of a child who is the subject of a parental order obtained by two persons of the same sex is to be read as a reference to the child's parents".

14.—(1) Section 69 (rules of interpretation for instruments concerning property) Act is modified as follows.

(2) Subsection (1) has effect as if the words "and to Schedule 4" were omitted.

(3) Subsection (2) has effect as if—

(a) after "and (2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(b) for "adoptive parent or parents" there were substituted "person or persons who obtained the parental order";

(c) in paragraph (a)—

(i) for "adopted person" there were substituted "person to whom the order applies"; and

(ii) for "adoption" there were substituted "the parental order"; and

(d) in paragraph (b), for "adopted" there were substituted "who are the subject of parental orders made".

(4) Subsection (3) has effect as if, in the note, after "subsection (2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(5) Subsection (4) has effect as if—

(a) after "Section 67(3)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(b) for "adopted person" in both places where those words appear there were substituted "person who is the subject of a parental order"; and

(c) for "adoption" there were substituted "parental order is made";

(6) Subsection (5) has effect as if—

(a) in paragraph (a), for "adopt" there were substituted "apply for a parental order in respect of"; and

(b) in paragraph (b)—

(i) after "section 67" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(ii) in the case of a parental order obtained under section 54 of the 2008 Act, for the words from "as her child" to "the instrument" there were substituted "for the purposes of the instrument as her child or as the child of the person with whom she obtained the order under section 54 of the 2008 Act"; and

(iii) in the case of a parental order obtained under section 54A of the 2008, the words following "as her child" up to and including "one of the couple" were omitted.

15. Section 71 (property devolving with peerages etc) has effect as if—

(a) for the words "an adoption" in each place they appear there were substituted "a parental order"; and

(b) in subsection (3) after "Subsection (2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

16. Section 73 (meaning of disposition) has effect as if in subsections (1) and (3), after the words "this Chapter" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

17. Section 74(**a**) (miscellaneous enactments) has effect as if—

(a) after the words "Section 67" in both places they appear there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(b) in subsection (1) after "not apply" there were inserted "so as to prevent a child to whom a parental order applies from continuing to be treated as the child of a person who was in law the child's parent before the order was made".

18. Section 75 (pensions) has effect as if for "person's adoption" there were substituted "making of a parental order in respect of that person".

19. Section 76(1) (insurance) has effect as if—

(a) for "is adopted whose" there were substituted "is a child to whom a parental order applies and the child's";

(b) for "adoption" there were substituted "parental order";

(c) for the words "adoptive parents" in both places they appear there were substituted "person or persons (as the case may be) who obtained the parental order"; and

(d) in paragraph (b), for "are to be" there were substituted "are or is to be".

20.—(1) Section 77 (adopted children register) is modified as follows.

(2) Section 77 has effect as if for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register".

(3) Subsection (3) has effect as if—

(a) in paragraph (a), for "adoption orders" there were substituted "parental orders"; and

(b) in paragraph (b), after "Schedule 1" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(4) Subsection (4) has effect as if for "adoption" there were substituted "parental order".

(5) Subsection (5) has effect as if for the words "adopted person" in each place they appear there were substituted "person who is the subject of the parental order".

(6) Subsection (6) has effect as if for "adoptions" and for "adoption orders" there were substituted "parental orders".

21. Section 78 has effect as if—

(a) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register"; and

(b) in subsection (3) for "an adopted person" there were substituted "a person who is the subject of a parental order".

22.—(1) Section 79(**b**)(1) to (3) and (7) to (9) (connections between the register and birth records) is modified as follows.

(2) Subsection (1) has effect as if—

(a) for "marked "Adopted"" there were substituted "marked "Re-registered by the Registrar General" pursuant to paragraph 1(2) of Schedule 1 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

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(**a**) Section 74 was amended by paragraph 47 of Schedule 6 to the Sexual Offences Act 2003 (c. 42) and section 79 of the Civil Partnership Act 2004.

(**b**) Section 79 was amended by section 79 of the Civil Partnership Act 2004, article 4 of S.I. 2005/3542 and article 3 and Schedule 1 to S.I. 2008/678

(b) for "Adopted Children Register" there were substituted "Parental Order Register".

(3) Subsection (2) has effect as if after "subsection (1)" there were inserted "as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations".

(4) Subsection (3) has effect as if for "an adopted person" there were substituted "a person who to whom a parental order applies".

(5) Subsection (7) has effect as if for the words from "an adopted person" there were substituted "a person to whom a parental order applies and".

(6) Subsection (8) has effect as if for "any prescribed fee which he has demanded must be paid" there were substituted—

"(a) any prescribed fee which he has demanded must be paid; and

(b) the applicant must—

(i) be informed about the availability of services providing counselling in relation to the implications of compliance with the request; and

(ii) be given a suitable opportunity to receive counselling.".

(7) Subsection (9) has effect as if the definition of "appointed day" were omitted.

23. Section 82 (interpretation) has effect in respect of parental orders without modification.

24.—(1) Section 83(**a**)(1), (5) and (7) to (9) (restriction on bringing children in) is modified as follows.

(2) Subsection (1) has effect as if—

(a) paragraph (b) were omitted;

(b) for the word "adoption" in each place it appears there were substituted "an application for a parental order being made in relation to that child"; and

(c) the words "or to a child adopted" in each place they appear were omitted.

(3) Subsection (5) has effect as if for "this section applies" there were substituted "this section (as applied with modifications made by regulation 2 of and Schedule 1 to the Parental Order Regulations) applies".

(4) Subsection (7) has effect as if—

(a) for "this section applies" there were substituted "this section (as applied with modifications made by regulation 2 of and Schedule 1 to the Parental Order Regulations) applies"; and

(b) paragraph (a) were omitted.

(5) Subsection (9) has effect as if the words "after consultation with the Assembly" were omitted.

25. Section 101(1) (privacy) has effect as if after "this Act" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

26.—(1) Section 102(**b**)(1) to (4) and (6) to (8) (officers of the service) is modified as follows.

(2) The provisions described in paragraphs (1) and (3) have effect as if for the words "placement or adoption" there were substituted "a parental order".

(3) Subsection (1) has effect as if the words "in prescribed cases" were omitted.

(4) Subsection (6) has effect as if there were substituted—

"(6) In this section, "relevant application" means an application for the making or revocation or a parental order.".

(**a**) Section 83 was amended by section 14 of the Children and Adoption Act 2006 (c. 20).
(**b**) Section 102 has been amended, but those amendments are not relevant to this instrument.

27.—(1) Section 104(1) (evidence of consent) has effect as if after "this Part" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations or by section 54(6) or section 54A(5) of the 2008 Act)".

(2) Section 104(2) has effect without modification.

28.—(1) Section 105(**a**)(3) and (4) (effect of certain Scottish orders and provisions) is modified as follows.

(2) Section 105(3) has effect as if after "(3A)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

(3) Section 105(4) applies as if—

(a) after "certain provisions)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(b) after "this Act" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

29.—(1) Section 106(3) and (4) (effect of certain Northern Irish orders and provisions) is modified as follows.

(2) Subsection (3) applies as if—

(a) the words "or (2)" were omitted;

(b) for "(removal where adoption agreed etc)" there were substituted "(restrictions on removal where application is pending) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(c) as if paragraph (b) were omitted.

(3) Subsection (4) applies as if—

(a) after "remove child)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(b) after "this Act" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

30.—(1) Section 107(**b**) (use of adoption records from other parts of the British Islands) has effect as if—

(a) in subsection (a), after "as evidence") there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(b) in subsection (b), after "Order 1987" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(c) in subsection (c), after "this Act" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

31.—(1) Section 140(**c**)(1), (2) and (7) to (9) (orders, rules and regulations) is modified as follows.

(2) The provisions referred to in sub-paragraph (1) apply as if after the words "this Act" in each place they appear there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

(3) Subsection (1) has effect as if the words "the Lord Chancellor" and "the Scottish Ministers" and "the Assembly" were omitted.

(4) Subsection (2) has effect as if the words "(other than section 14 or 148 or an instrument to which subsection (3) applies)" were omitted.

(**a**) Section 105 was amended by paragraph 6 of Schedule 1 to S.I. 2011/1740.
(**b**) Section 107 was amended by paragraph 6 of Schedule 1 to S.I. 2011/1740.
(**c**) Section 140 was amended by section 7 of the Children and Families Act 2014 and by section 15 of the Education and Adoption Act 2016 (c. 6).

32.—(1) Section 141 (rules of procedure) is modified as follows.

(2) In subsection (3)—

(a) omit the words from "a placement order" to "order, or for an"; and

(b) for "adoption order" substitute "a parental order".

(3) For subsection (4) substitute—

"(4) The persons referred to in subsection (3) are every person whose agreement is required by section 54(6) or 54A(5) of the 2008 Act.".

33.—(1) Section 144(1) and (2) (general interpretation) has effect as if—

(a) after the words "this Act" in each place they appear there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(b) before the definition of "appropriate Minister" there were inserted ""the 2008 Act" means the Human Fertilisation and Embryology Act 2008,"; and

(c) after the definition of "notice" there were inserted—

""parental orders" means either an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act;

"the Parental Order Regulations" means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018,";

(d) in the definition of "regulations" for the words from "the appropriate Minister" to "the Registrar General" there were substituted "the Secretary of State, unless they are required to be made by the Registrar General";

(e) for the definition of "rules" there were substituted ""rules" means rules made by virtue of section 141(1) (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations),".

34.—(1) Paragraph 1 of Schedule 1 (registrations of adoption orders) has effect as if—

(a) in sub-paragraph (1)—

(i) for "adoption order" there were substituted "parental order"; and

(ii) for "Adopted Children Register" there were substituted "Parental Order Register";

(b) in sub-paragraph (2)—

(i) for "an adoption order" there were substituted "a parental order";

(ii) for "adoption" there were substituted "parental"; and

(iii) for "marked with the word "Adopted"" there were substituted "marked with the words "Re-registered by the Registrar General"";

(c) sub-paragraph (3) were omitted; and

(d) in sub-paragraph (4) for "an adoption order" there were substituted "a parental order".

35.—(1) Paragraph 2 of Schedule 1 (registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands) has effect as if—

(a) in sub-paragraph (1)—

(i) for "Sub-paragraphs (2) and (3)" there were substituted "Sub-paragraph (2) (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(ii) for "adoptions" there were substituted "parental orders"; and

(iii) for "an order has been made in that part authorising the adoption of a child" there were substituted "a parental order has been made in that part in respect of a child";

(b) in sub–paragraph (2)—

(i) for "Adopted Children Register" there were substituted "Parental Order Register";

(ii) for "the word "Adopted"" there were substituted "the words "Re-registered by the Registrar General"";

(c) sub-paragraph (3) were omitted;

(d) in sub-paragraph (4) for "in sub-paragraphs (2) and (3)" there were substituted "in sub-paragraph (2) (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(e) in sub-paragraph (5) after "sub-paragraph (4)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

36.—(1) Paragraph 4 of Schedule 1 (amendment of orders and rectification of Registers and other records) has effect as if—

(a) for the words "an adoption order" in each place they appear there were substituted "a parental order";

(b) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(c) in sub-paragraph (1), for "adopter or the adopted person" there were substituted "person or persons (as the case may be) who obtained the order or the person who is the subject of the order";

(d) in sub-paragraph (2), for "adopter or the adopted person" in the opening words there were substituted "person or persons (as the case may be) who obtained the order or the person who is the subject of the order";

(e) in sub-paragraph (2)(a) and (b) for "the adopted person" there were substituted "the person who is the subject of the order";

(f) in sub-paragraph (3)—

(i) the words "or (3)" were omitted;

(ii) after "paragraph 1(2)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(g) in sub-paragraph (4) after "(1) to (3)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(h) in sub-paragraph (7) after "section 78(2)(b)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(i) sub-paragraphs (9) and (10) were omitted.

SCHEDULE 2

Regulation 3

Application and modification of the 2007 Act in relation to parental orders and applications for such orders

1. The provisions of the 2007 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

2. Section 14(1) to (4) and (8) (considerations applying to the exercise of powers) has effect as if—

(a) the words "or adoption agency" were omitted in each place they appear;

(b) in subsection (1) after "to (4)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(c) in subsection (1) for "the adoption of a child" there were substituted "an application for a parental order"; and

(d) in subsection (4)(d) for "an adoption order" there were substituted "a parental order".

3. Section 22 (restrictions on removal: application for adoption order pending) has effect as if—

(a) for the words "prospective adopters" in each place they appear there were substituted "applicants or applicant (as the case may be)";

(b) in subsection (1)—

(i) after "Subsection (2)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(ii) for "an adoption order" there were substituted "a parental order"; and

(iii) paragraph (b) were omitted;

(c) in subsection (2) after "subsection (3)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(d) in subsection (3) after "This subsection" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(e) in subsection (4) after "this section" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

4. Section 24 (return of child removed in breach of certain provisions) has effect as if—

(a) in subsection (3)(a) for "an adoption order or a permanence order" there were substituted "a parental order"; and

(b) in subsection (4)—

(i) in paragraph (a) for "sections 20, 21, 22 and 23" there were substituted "section 22 (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(ii) in paragraph (b) for "sections 30, 34, 35 and 36 of the 2002 Act" there were substituted "section 36 of the 2002 Act (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(iii) in paragraph (c) for "Articles 28 and 29 of the Northern Ireland Order" there were substituted "Article 28 of the Northern Ireland Order (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

5. Section 27(1) (contravention of sections 30 to 36 of 2002 Act) has effect as if for "any of the provisions of the 2002 Act mentioned in subsection (2)" there were substituted "section 36(1) (removal of a child in non-agency case) of the 2002 Act (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)".

6.—(1) Section 28 (adoption orders) is modified as follows.

(2) Except as provided for in sub-paragraph (3), section 28 has effect as if for the words "an adoption order" in each place they appear there were substituted "a parental order".

(3) Subsection (1) has effect as if—

(a) for "An adoption order" there were substituted—

"Without prejudice to section 54(1) or 54A(1) of the 2008 Act (which empowers the court to make an order providing for a child to be treated in law as the child of the applicants), a parental order";

(b) the words "on an application under section 29 or 30" were omitted; and

(c) for "adopters or adopter" there were substituted "applicants or applicant (as the case may be)".

(4) Section 28(6) has effect as if for "adopted" there were substituted "the subject of a parental order".

7. Section 33(1) and (2) (restrictions on making orders) has effect as if in subsection (1)—

(a) after "subsection (2)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(b) for "an adoption order" there were substituted "a parental order"; and

(c) for "falling within subsection (3)" there were substituted "for a parental order".

8. Section 35 (effect of order on existing rights etc.) has effect as if—

(a) for the words "an adoption order" in each place they appear, except in subsection (1), there were substituted "a parental order";

(b) in subsection (1)—

(i) the words from "Where an adoption" to "section 30," were omitted; and

(ii) for "the order" there were substituted "a parental order";

(c) in subsection (1)(a) for "the other member of the relevant couple" there were substituted "either of the applicants in the case of a parental order under section 54 of the 2008 Act or the applicant in the case of a parental order under section 54A of that Act";

(d) in subsection (1)(b) for "other member" there were substituted "applicant"; and

(e) in subsection (2)(b) after "subsection (3)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

9. Section 40(1) to (3), (5) and (10) (status conferred by adoption) has effect as if—

(a) for subsection (1) there were substituted—

"(1) A person who is the subject of a parental order is to be treated in law as if born as the child of the person or persons who obtained the order.";

(b) for subsection (2) there were substituted—

"(2) A person who is the subject of a parental order is to be treated as the child of the person or persons who obtained the order.";

(c) for subsection (3) there were substituted—

"(3) A person who is the subject of a parental order is to be treated in law as not being the child of any person other than the person or persons who obtained the order.";

(d) in subsection (5)—

(i) for "Subsections (3) and (4) do" there were substituted

"Subsection (3) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) does"; and

(ii) after "this Act" insert "(as modified by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(e) in subsection (10)—

(i) after "Chapter" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(ii) after "this section" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(iii) for the word "adoption" in each place it appears there were substituted "making of the parental order".

10. Section 41 (miscellaneous enactments) has effect as if—

(a) for subsection (1) there were substituted—

"(1) Notwithstanding the effect of making a parental order but without prejudice to section 40(1) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations), the person who is the subject of that parental order shall be treated for the purposes of determining the forbidden degrees of consanguinity and affinity in respect of the law relating to marriage or to the eligibility of persons to register as civil partners of each other and in respect of the crime of incest, as if—

(a) that person were the child of the person or persons who obtained the order, and

(b) that person were also the child of any other person who, prior to the making of the parental order, was the mother or father of the person.";

(b) in subsection (2)—

(i) for "an adoption order" there were substituted "a parental order";

(ii) for "adopter" there were substituted "person or persons who obtained the order"; and

(iii) for "adopted" there were substituted "who is the subject of the order"; and

(c) in subsection (3) after "Section 40" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

11. Section 42 (pensions) has effect as if—

(a) after "Section 40" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(b) for "person's adoption" there were substituted "making of a parental order in respect of that person".

12. Section 43(1) to (3) (insurance) has effect as if—

(a) for the words "adoptive parents" in each place they appear there were substituted "person or persons who obtained the parental order";

(b) in subsection (1)—

(i) after "Subsections (2) and (3)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) for "is adopted" there were substituted "becomes the subject of a parental order";

(c) in subsection (2), for "adoption" there were substituted "parental order"; and

(d) subsection (4) were omitted.

13. Section 53 (Adopted Children Register and index) has effect as if—

(a) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(b) in subsection (2)(a) for "adoption orders" there were substituted "parental orders";

(c) in subsection (2)(b) after "schedule 1" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(d) in subsection (4)—

(i) after "Schedule 1" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) for "adoptions" and for "adoption orders" there were substituted "parental orders".

14. Section 54 (searches and extracts) has effect as if for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register".

15. Section 55(1) to (5) (connections between the register and birth records) has effect as if—

(a) in subsection (1)—

(i) after "schedule 1" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(ii) for "marked "Adopted"" there were substituted "marked "Parental Order""; and

(iii) for "Adopted Children Register" there were substituted "Parental Order Register";

(b) in subsection (2) after "subsection (1)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(c) in subsection (3) for "subsection (4)" there were substituted "subsections (4) and (5) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(d) in subsection (4)—

(i) in paragraph (a) after "sheriff," there were inserted "or";

(ii) for paragraph (b) there were substituted—

(iii) "(b) to a person who is the subject of a parental order who is aged 16 or over and to whom the information relates ("the person").";

(iv) paragraph (c) were omitted; and

(e) for subsection (5) there were substituted—

"(5) Before the Registrar General discloses information to the person in accordance with subsection (4)(b) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) the person must—

(a) be informed about the availability of any services providing counselling in relation to the implications of compliance with the request; and

(b) be given a suitable opportunity to receive counselling.".

16. Section 56 (admissibility of extracts as evidence) has effect as if—

(a) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(b) in subsection (1)—

(i) after "section 54(2)(b)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) for "adoption" there were substituted "parental order"; and

(c) in subsection (2) for "adopted person" there were substituted "person who is the subject of the parental order".

17. Section 57 (interpretation of chapter 5) has effect as if—

(a) in subsection (1) for "this Chapter" there were substituted "sections 53 to 57 and schedule 1 (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(b) in subsection (2) after "or schedule 1" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

18.—(1) Section 58(1), (2) and (10) (restriction on bringing children into the United Kingdom) has effect as if—

(a) in subsection (1)—

(i) in paragraph (a) for "adoption by the British Resident" there were substituted "applying for a parental order to be granted in favour of the British Resident"; and

(ii) paragraph (b) were omitted;

(b) in subsection (2)—

(i) after "subsection (1)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) for the words "adoption, or a child adopted," in each place they appear there were substituted "applying for a parental order"; and

(c) in subsection (10)—

(i) after "this section" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) for "Scottish Ministers" there were substituted "Secretary of State".

(2) Subsection (6) is applied without modification.

19. Section 77(1) (effect of certain orders made in England and Wales) has effect as if it were substituted with—

"(1) A parental order made in England and Wales has the same effect as an order under section 50 or section 51 (as the case may be) of the 2002 Act (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations) in Scotland as it has in England and Wales.".

20. Section 108(1) and (2) (Rules: appointment of curators ad litem and reporting officers) has effect as if—

(a) in subsection (1)—

(i) for "In the case of an application for a relevant order in relation to a child" there were substituted "For the purpose of any application for a parental order"; and

(ii) in paragraph (b) for "adoption" there were substituted "the parental order"; and

(b) in subsection(2)(b) after "reporting officer" there were inserted "but that person shall not be any person or employee of any person holding a licence granted under section 11 of the Human Fertilisation and Embryology Act 1990, as amended by section 11 of the 2008 Act".

21. Section 109(1) (proceedings to be in private) has effect as if there were substituted—

"**109.** Any proceedings before the court in relation to a parental order or an order under section 24 (return of a child removed in breach of certain provisions) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) must be heard and determined in private unless the court otherwise directs.".

22. Section 111 (evidence of consent) has effect as if in subsection (1)—

(a) for "If a document signifying any" there were substituted "Any agreement or";

(b) for "this Act" there were substituted "section 54 or section 54A of the 2008 Act"; and

(c) after "to be given" there were inserted "to the making of a parental order or application for such an order may be given in writing and, if a document signifying agreement or consent,".

23. Section 113 (admissibility of certain documents as evidence) has effect as if—

(a) in paragraph (a) after "2002 Act" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(b) in paragraph (b) after "Northern Ireland Order" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

24. Section 114 (rules of procedure) has effect as if—

(a) in subsection (1)—

(i) after "this Act" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) after "matters of procedure" there were inserted "arising out of an application under section 54 or section 54A of the 2008 Act";

(b) for subsection (2) there were substituted—

"(2) In the case of an application for a parental order, the rules must require any person mentioned in subsection (3) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) to be notified of the matters mentioned in subsection (4)."; and

(c) for subsection (3) there were substituted—

"(3) Those persons are every person who can be found and whose consent to the making of the order is required under section 54(6) or section 54A(5)of the 2008 Act.".

25. Section 117(**a**) (orders and regulations) has effect as if—

(a) after the words "this Act" in each place they appear there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(b) for the words "Scottish Ministers" in each place they appear there were substituted "Secretary of State";

(c) in subsection (4)—

(i) after "subsection (5)," there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(ii) the words "(other than an order under section 121)" were omitted; and

(iii) for "the Scottish Parliament" there were substituted "either House of Parliament";

(d) for section 117(5) there were substituted—

"(5) A statutory instrument containing regulations under paragraphs 1(1) or 7(4) and (11) of schedule 1 (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) is subject to annulment in pursuance of a resolution of the Scottish Parliament."; and

(e) in subsection (6) after "this section," and after "section 57(1)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

26. Section 118 (meaning of "appropriate court") has effect as if—

(a) in subsection (1) after "this Act" in both places those words appear there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(b) for subsection (3)(a) there were substituted—

"(a) the application is for a parental order, and".

27. Section 119(**b**)(1) (interpretation) has effect as if—

(a) after "this Act," there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(b) in the definition of "the 2002 Act" after "Adoption and Children Act 2002 (c.38)" there were inserted "(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(c) after the definition of "the 2002 Act" there were inserted—

""the 2008 Act" means the Human Fertilisation and Embryology Act 2008 (c.22),";

(d) in the definition of "the Northern Ireland Order" after "(S.I. 1987/2203)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(e) for the definition of "applicant" there were substituted—

""applicant has the meaning given by section 54 or section 54A of the 2008 Act, as the case may be," and

(f) after the definition of "overseas adoption" there were inserted—

""parental order" means either an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act;

"Parental Order Regulations" means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018,".

28. Paragraphs 1, 2 and 4 of Schedule 1 (registration of adoption orders) have effect as if—

(**a**) Section 117 has been amended, but those amendments are not relevant to this instrument.
(**b**) Section 119 was amended by paragraph 11 of Schedule 5 to the Children and Young People (Scotland) Act 2014 (asp 8).

(a) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(b) for the words "adoption order" where they appear in paragraphs 1 and 2(2) there were substituted "parental order";

(c) for the words "an adoption order" where they appear in paragraphs 2(1)(a) and (b) and 4(a) there were substituted "a parental order";

(d) in paragraph 1(2) after "sub-paragraph (1)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(e) in paragraph 2(1)—

(i) after "sub-paragraph (2)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(ii) paragraph (b) were omitted; and

(f) in paragraph 2(2) for "word "Adopted"" there were substituted "words "Parental Order"".

29. Paragraph 5 of Schedule 1 (registration of adoptions in other parts of the British Islands) has effect as if—

(a) for sub-paragraph (1) there were substituted—

"(1) Sub-paragraph (2) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations) applies where the Registrar General is notified by the authority maintaining a register of parental orders in a part of the British Islands outwith Scotland that a parental order has been made in that part in respect of a child";

(b) in sub-paragraph (2) for—

(i) "Adopted Children Register" there were substituted "Parental Order Register"; and

(ii) "word "Adopted"" there were substituted "words "Parental Order"";

(c) sub-paragraph (3) were omitted;

(d) in sub-paragraph (4) for "subparagraphs (2) and (3)" there were substituted "sub-paragraph (2) (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(e) in sub-paragraph (5) after "sub-paragraph (4)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(f) sub-paragraph (6) were omitted.

30. Paragraph 7 of Schedule 1 (amendment of orders and rectification of registers) has effect as if—

(a) for the words "an adoption order" in each place they appear there were substituted "a parental order";

(b) for the word "adopter" in each place it appears there were substituted "person or persons who obtained the order";

(c) for the words "adopted person" in each place they appear there were substituted "person who is the subject of the parental order";

(d) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(e) in sub-paragraph (3)—

(i) "or 3" were omitted; and

(ii) after "paragraph 2" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(f) in sub-paragraph (4) after "subparagraphs (1) to (3)" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(g) sub-paragraphs (9) and (10) were omitted.

31. Paragraph 8 of Schedule 1 (marking of entries on re-registration of birth) has effect as if—

(a) after "this Act" there were inserted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)"; and

(b) in paragraph 8(a) for "or 6" there were substituted "(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

SCHEDULE 3

Regulation 4

Application and modification of the 1987 Order in respect of parental orders and applications for such orders

1. The provisions of the 1987 Order set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

2.—(1) Article 2(**a**) (interpretation) is modified as follows.

(2) Paragraph (1) has effect as if the words "Article 1 and" were omitted.

(3) Paragraph (2) has effect as if—

(a) before "adoption agency" there were inserted—

""the 2008 Act" means the Human Fertilisation and Embryology Act 2008;";

(b) for the definition of "adoption rules" there were substituted—

""rules" means rules of court, county court rules or rules made under Article 12 of the Family Law (Northern Ireland) Order 1993(**b**);"

(c) for the definition of "authorised court" there were substituted—

""authorised court" means—

(a) in the case of an application for a parental order—

(i) the High Court;

(ii) the county court;

(b) in the case of an application under Article 30 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) the court in which that application is pending;";

(d) for the definition of "existing" there were substituted—

""existing" in relation to an instrument, means one made at any time before the commencement of Part V;";

(e) for the definition of "parent" there were substituted—

""parent", except for the purposes of Articles 40(3) and 47(1) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations), means, in relation to a child, any parent who has parental responsibility for the child under the Children (Northern Ireland) Order 1995(**c**);";

(f) after the definition of "parent" there were inserted—

""the Parental Order Regulations" means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018;

(**a**) Article 2 was amended by section 6 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2011 (c. 11), paragraph 138 of Schedule 9 to S.I. 1995/755 and paragraph 11 of Schedule 1(2) to S.I. 2011/1740. Other amendments have been made which are not relevant to this instrument.

(**b**) 1993 No. 1576 (N.I. 6).

(**c**) S. I. 1995/755. (N.I. 2).

"parental orders" means either an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act;";

(g) for the definition of "parental responsibility" there were substituted ""parental responsibility" has the same meaning as in the Children (Northern Ireland) Order 1995 (as applied with modifications by regulation 5 of and Schedule 4 to the Parental Order Regulations);";

(h) for the definition of "prescribed" there were substituted ""prescribed" in Article 54 (as applied with modifications by the Parental Order Regulations) means prescribed by regulations made by the Department of Finance and elsewhere means prescribed by rules;".

3. Article 9 (duty to promote the welfare of the child) has effect as if—

(a) the existing Article was numbered as paragraph (1);

(b) for "the adoption of a child" there were substituted "the making of a parental order in respect of a child";

(c) the words "or adoption agency" were omitted;

(d) for "most important" there were substituted "paramount";

(e) in paragraph (a)(i) for "adoption, or adoption by a particular person or persons," there were substituted "the making of such an order";

(f) the word "and" immediately after paragraph (a) were omitted; and

(g) after paragraph (b) there were inserted—

"(c) have regard to the child's particular needs;

(d) have regard to the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become the subject of a parental order;

(e) have regard to the child's age, sex, background and any of the child's characteristics which the court considers relevant;

(f) have regard to any harm (within the meaning of the Children (Northern Ireland) Order 1995) which the child has suffered or is at risk of suffering; and

(g) have regard to the relationship which the child has with relatives, and with any other person in relation to whom the court considers the relationship to be relevant.

(2) The court must always consider the whole range of powers available to it in the child's case whether—

(a) under section 54 or 54A of the 2008 Act;

(b) under this Order (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations); or

(c) the Children (Northern Ireland) Order 1995,

and the court must not make an order under section 54 or section 54A of the 2008 Act, as the case may be, or under this Order as so applied, unless it considers that making the order would be better for the child than not doing so.

(3) For the purposes of this Article (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)—

(a) a reference to relationships is not confined to legal relationships; and

(b) a reference to a relative, in relation to a child, includes the child's mother and father.".

4.—(1) Article 12(1) to (4) (**a**) (adoption orders) is modified as follows.

(**a**) Article 12 was amended by section 203 of the Civil Partnership Act 2004 and paragraph 140 of Schedule 9 to S.I. 1995/755.

(2) Paragraph (1) to (4) has effect as if, for the words "an adoption order" in each place they appear, there were substituted "a parental order".

(3) Paragraph (1) has effect as if, for the words from "the adopters" to "application of the adopters", there were substituted—

"the persons who obtained the order in the case of a parental order under section 54 of the 2008 Act or the person who obtained the order in the case of a parental order under section 54A of the 2008 Act".

5. Article 25(**a**) (restrictions on making adoption orders) has effect as if—

(a) in paragraph (1)—

(i) for "an adoption order" there were substituted "a parental order";

(ii) for "a British adoption order" there were substituted "such an order"; and

(iii) before "persons" there were inserted "person or";

(b) paragraphs (2) and (3) were omitted.

6. Article 28(1) and (3)(**b**) (restrictions on removal where adoption agreed or application made under Article 17(1) or 18(1)) has effect as if—

(a) for paragraph (1) there were substituted the following paragraph—

"(1) While an application for a parental order is pending a parent or guardian of the child to whom the application relates is not entitled, against the will of the person with whom the child has their home, to remove the child from the home of that person except with the leave of the court."; and

(b) in paragraph (3) for "or (2)" there were substituted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

7.—(1) Article 30(**c**) (return of a child taken away in breach of Article 28 or 29) has effect as if—

(a) for the words "Article 28 or 29" in each place they appear there were substituted "Article 28 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(b) for the words "section 27 or 28 of the Adoption Act 1976" in each place they appear there were substituted "section 36 or 37 of the Adoption and Children Act 2002 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)";

(c) for the words "section 20, 21 or 22 of the Adoption and Children (Scotland) Act 2007", in each place they appear, there were substituted "section 22 of the Adoption and Children (Scotland) Act 2007 (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)";

(d) in paragraphs (3) and (4) after the words "under paragraph (1)", in each place they appear, there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(e) in paragraph (5) after the words "under paragraph (3)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

8. Article 40(1), (2), (3), (4) and (6)(**d**) (status conferred by adoption) has effect as if—

(a) for the words "an adopted child" in each place they appear there were substituted "a child who is the subject of a parental order";

(b) in paragraph (1), for sub-paragraphs (a) and (b), there were substituted—

(**a**) Article 25 has been amended, but those amendments are not relevant to this instrument.
(**b**) Article 28 has been amended, but those amendments are not relevant to this instrument.
(**c**) Article 30 was amended by paragraph 153 of Schedule 9 to S.I. 1995/755 and paragraph 11 of Schedule 1 to S.I. 2011/1740.
(**d**) Article 40 was amended by section 4 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11) and section 203 of the Civil Partnership Act 2004.

"as if he had been born as a child of the persons who obtained the parental order under section 54 of the 2008 Act or the person who obtained the parental order under section 54A of that Act"; and

(c) for paragraph (2) there were substituted—

"(2) A child who is the subject of a parental order shall be treated in law as if that child were not the child of any person other than the persons who obtained the parental order under section 54 of the 2008 Act or the person who obtained the parental order under section 54A of that Act.";

(d) for paragraph (3) there were substituted—

"Paragraph (2) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) does not apply so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child's parent before the order was made for the purposes of the Table in Article 18(1) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**a**) or for the purposes of Schedule 12 to the Civil Partnerships Act 2004(**b**)";

(e) in paragraph (6)—

(i) in each place that the word "adoption" appears, there were substituted "parental order was made";

(ii) after "Article" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations); and

(iii) the words "Subject to the provisions of this Part" and ", or after the commencement of this Part, whichever is the later" were omitted.

9. Article 42 (rules of construction for instruments concerning property) has effect as if—

(a) in paragraph (1) after "this Article" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(b) for paragraph (2) there were substituted—

"(2) In applying Article 40(1) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) to a disposition which depends on the date of birth of a child or children of the person or persons who obtained the parental order, the distribution shall be construed as if—

(a) the child who is the subject of the parental order had been born on the date the parental order was made,

(b) two or more children in respect of whom parental orders were made on the same date had been born on that date in the order of their actual births.";

(c) in paragraph (3), after "paragraph (2)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(d) in paragraph (4)—

(i) after "Article 40(2)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(ii) for "adopted child" there were substituted "child who is the subject of the parental order"; and

(iii) for "adoption" there were substituted "making of the parental order"; and

(e) in paragraph (5)—

(i) for "adopt" there were substituted "obtain a parental order in respect of"; and

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(**a**) S.I. 1984 No. 1984 NI 14. The table was amended by paragraph 64 of Schedule 29 to the Civil Partnership Act 2004 and article 3 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (S.I. 2006 No. 1945 NI 14).

(**b**) Schedule 12 was amended by the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006.

(ii) after "Article 40" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

10. Article 44 (property devolving with peerages, etc.) has effect as if—

(a) for the words "An adoption" in each place they appear there were substituted "The making of a parental order"; and

(b) in paragraph (3), after "paragraph (2)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

11. Article 45 (protection of trustees and personal representatives) has effect as if—

(a) in paragraph (1) for "adoption has been effected" there were substituted "parental order has been made"; and

(b) in paragraph (2) after "This Article" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

12. Article 46 (meaning of "disposition") has effect as if for the words "this Part" each time they appear there were substituted "the application of Articles 40, 42, 44, 45 and 47 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

13. Article 47(1) and (2)(**a**) (miscellaneous) has effect as if—

(a) in paragraph (1) after "Article 40" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(b) in paragraph (2) after "Article 40" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

14. Article 48 (pensions) has effect as if—

(a) after "Article 40(2)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(b) for the words "of his adoption", there were substituted "of the making of the parental order in respect of that child".

15. Article 49 (insurance) has effect as if—

(a) for the word "adopted" there were substituted "the subject of the parental order";

(b) for the word "adoption" there were substituted "making of the parental order"; and

(c) for the words "adoptive parents" there were substituted "parental order parent or parents".

16. Article 50(**b**) (adopted children register) has effect as if—

(a) for the words "Adopted Children Register" in each place they appear there were substituted "Parental Order Register";

(b) in paragraph (1)(a)(i) for "adoption orders" there were substituted "parental orders";

(c) in paragraph (1)(a)(ii) after "Article 53" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(d) in paragraph(1)(c) for ""'Adopted" pursuant to Article 51" there were substituted ""'Re-registered by the Registrar General" pursuant to Article 51(4) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(e) in paragraph (2) for the words from "Every person shall" to "subject to the same terms" there were substituted—

"The Registrar General shall—

(**a**) Article 47 was amended by paragraph 19 of Schedule 1 to S.I. 2008/1769.

(**b**) Article 50 was amended by section 10 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2011 and section 25 of the Civil Registration Act (Northern Ireland) 2011 (c. 20).

(a) at the request of any person, either permit the person to search the index of the Parental Order Register or cause a search of the index to be made on that person's behalf; and

(b) issue to any person on request a certified copy of any entry in the Parental Order Register,

in all respects, except as to the entitlement of any person to search that index, upon and subject to the same terms,";

(f) in paragraph (2) after "Births and Deaths Registration (Northern Ireland) Order 1976" insert "(read in accordance with Schedule 4 of the Parental Orders Regulations)"; and

(g) in paragraph (3)—

(i) after "paragraph (1)(c) there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(ii) after "Article 54" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(iii) in sub-paragraph (b) for "an adoption order" there were substituted "a parental order"; and

(iv) sub-paragraph (c) were omitted.

17. Article 51(1), (2) (3), (4), (6) and (7) (registration of adoption orders) has effect as if—

(a) for paragraph (1) there were substituted—

"(1) Every parental order shall contain a direction to the Registrar General to make in the Parental Order Register an entry in the form set out in Schedule 2 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) and shall specify the particulars to be entered in columns 2 to 6 of that Schedule.";

(b) in paragraph (2)—

(i) in sub-paragraph (b) for the words "Adopted Children Register" there were substituted "Parental Orders Register"; and

(ii) in sub-paragraph (c) for the words "adoption order" there were substituted "parental order";

(c) in paragraph (3)—

(i) for "Adopted Children Register under the heading in column 2 of Schedule 2" there were substituted "Parental Order Register under the heading in column 2 of Schedule 2 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(ii) the word "and" at the end sub-paragraph (a) were omitted; and

(iii) sub-paragraph (b) were omitted;

(d) in paragraph (4)—

(i) for "application for an adoption order" to "time in force)" there were substituted "application for a parental order";

(ii) for the words "any adoption order", in each place it appears, there were substituted "any parental order";

(iii) for "marked with the word "Adopted"" there were substituted "marked with the words "Re-registered by the Registrar General"";

(e) in paragraph (6) for "an adoption order shall cause the adoption order" there were substituted "a parental order shall cause the order"; and

(f) in paragraph (7)—

(i) for the words "an adoption order" in each place they appear there were substituted "a parental order";

(ii) after "paragraph (6)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(iii) for "has been granted" there were substituted "has been made"; and

(iv) the words "or the country in which the child was previously adopted" and the words from "or the Adopted Children Register" to "the case may be," were omitted.

18. Article 52(1) to (4) and (6) (amendment of orders and rectification of Registers) has effect as if—

(a) for the words "an adoption order" in each place they appear there were substituted "a parental order";

(b) for the words "Adopted Children Register" in each place they appear, except in paragraph (6), there were substituted "Parental Order Register";

(c) in paragraph (1)—

(i) for the words "adopter or of the adopted person" in each place they appear there were substituted "person or persons who obtained the parental order or of the person who is the subject of the parental order";

(ii) in sub-paragraph (a) for "given to the adopted person" there were substituted "given to the person who is subject to the parental order" and the words ", or taken by him," were omitted; and

(iii) in sub-paragraph (b) for "Article 51(4) or (5)" there were substituted "Article 51(4) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(d) in paragraph (2) after "paragraph (1)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)";

(e) in paragraph (4) after "Article 50(2)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(f) in paragraph (6)—

(i) after "Article 51(7)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(ii) the words "or an Adopted Children Register or any corresponding register of adoptions" were omitted.

19. Article 53(1) and (2) (registration of adoptions made outside Northern Ireland) has effect as if—

(a) in paragraph (1)—

(i) for "register of adoptions" there were substituted "register of parental orders";

(ii) for "an order has been made in that country authorising the adoption of a child" there were substituted "a parental order has been made in that country in respect of a child";

(iii) the words "or the Adopted Children Register" were omitted; and

(iv) for ""Adopted" or "Readopted" as the case may require" there were substituted "Re-registered"; and

(b) in paragraph (2)—

(i) for "so marked" there were substituted "marked in accordance with paragraph (1) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(ii) for ", that an appeal against the order has been allowed or that the order has been revoked" there were substituted "or that an appeal against the order has been allowed".

20.—(1) Article 54(**a**)(1), (2), (3), (4) and (5) (disclosure of birth records of adopted children) has effect as if—

(a) in paragraph (1)—

(i) after "this Article" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(ii) for "an adopted person" there were substituted "a person who is the subject of a parental order";

(b) in paragraph (2) for "an adopted person under the age of 18 years" there were substituted "a person who is the subject of a parental order and who is under the age of 18 years";

(c) in paragraph (3)—

(i) for the word "adoption" in each place it appears there were substituted "parental order"; and

(ii) sub-paragraph (e) were omitted;

(d) in paragraph (4)—

(i) for "an adopted person" there were substituted "a person who is the subject of a parental order";

(ii) in sub-paragraph (a)(i) after "paragraph (1)" there were inserted "(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)"; and

(iii) in sub-paragraph (a)(ii) for "section 51 of the Adoption Act 1976" there were substituted "section 79 of the Adoption and Children Act 2002 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)"; and

(e) in paragraph (5)—

(i) in sub-paragraph (a) the word "and" at the end were omitted; and

(ii) sub-paragraph (b) were omitted.

21. Article 62 (evidence of agreement and consent) has effect as if—

(a) the word "adoption", in each place it appears, were omitted; and

(b) in paragraph (1), for "this Order" there were substituted "section 54 or section 54A of the 2008 Act (as the case may be)".

22. Article 63(**b**)(1) and (2) (evidence of adoptions, etc.) has effect as if—

(a) in paragraph (1)—

(i) for "Adopted Children Register" there were substituted "Parental Order Register";

(ii) in sub-paragraph (a) for "adoption" there were substituted "parental order"; and

(iii) in sub-paragraph (b) for "adopted person" there were substituted "person who is the subject of the parental order"; and

(b) in paragraph (2) for "section 50(2) of the Adoption Act 1976 or section 56 of the Adoption and Children (Scotland) Act 2007" there were substituted—

"section 77(4) or (5) of the Adoption and Children Act 2002 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations) or section 56 of the Adoption and Children (Scotland) Act 2007 (as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)".

(**a**) Article 54 was amended by section 203 of the Civil Partnerships Act 2004 and paragraph 11 of Schedule 1 to S.I. 2011/1740. Other amendments have been made which are not relevant to this instrument.

(**b**) Article 63 was amended by paragraph 11 of Schedule 1 to S.I. 2011/1740.

23. Article 64(3)(**a**)(removal of proceedings and appeals) has effect as if for from "Subject to paragraph (2)" to "under this Order" there were substituted—

> "Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order(**b**) 1980 any person aggrieved with a decision of a county court on an application made to it for a parental order or on an application made to it under Article 30 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)".

24. Article 65 (proceedings to be in private) has effect as if for "under Part III, Article 30 and Article 57" there were substituted "pursuant to section 54 or section 54A of the 2008 Act".

25. Article 66(**c**) (guardians ad litem) has effect as if—

(a) in paragraph (1) for "an adoption order or an order freeing a child for adoption or an order under Article 20 or 57" there were substituted "a parental order";

(b) in paragraph (2)(a) the word "adoption" were omitted; and

(c) after paragraph (2)(a) there were inserted—

> "(aa) shall be appointed from any panels of persons established by regulations made under Article 66A; and".

26. Article 68(**d**) (regulations) has effect as if after "this Order" there were inserted "(as applied with modifications by regulation 4 and Schedule 3 of the Parental Order Regulations)".

27. Schedule 2 (form of entry in Adopted Children Register) has effect as if —

(a) for "Adopted Children Register" in the heading there were substituted "Parental Order Register";

(b) for "adopter or adopters" in column 5 there were substituted "persons who obtained the parental order under section 54 of the 2008 Act or the person who obtained the parental order under section 54A of that Act"; and

(c) for "adoption order" in column 6 there were substituted "parental order".

SCHEDULE 4

Regulation 5

References to adoption etc in enactments to be read as references to effect of parental order etc

Marriage Act 1949

1. In Schedule 1 to the Marriage Act 1949(**e**) (kindred and affinity) any reference to an adoptive relationship (however expressed) is to be read as a reference to the corresponding relationships created by the grant of a parental order and which arise by virtue of the enactments applied with modifications by regulations 2, 3 and 4 of these Regulations.

Succession (Scotland) Act 1964

2. In section 37(1) of the Succession (Scotland) Act 1964(**f**) (exclusion of certain matters from operation of Act) the reference to the Adoption and Children (Scotland) Act 2007 is to be read as including a reference to that Act, as applied with modifications made by regulation 3 of and Schedule 2 to these Regulations.

(**a**) Article 64 was amended by S.I. 1995 No. 755 (NI 2).
(**b**) S.I. 1987 No. 397 (NI 3).
(**c**) Article 66 was substituted by paragraph 166 of Schedule 9 to S.I. 1995/755.
(**d**) Article 68 was amended by S.R. 1993 No. 494.
(**e**) 1949 c. 76. Schedule 1 was substituted by paragraph 27 of Schedule 2 to the Civil Partnership Act 2004.
(**f**) 1964 c. 41. Section 64 was amended by paragraph 1 of Schedule 2 to the Adoption and Children (Scotland) Act 2007. Other amendments have been made which are not relevant to this instrument.

Registration of Births, Deaths and Marriages (Scotland) Act 1965

3. In section 39E(5) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(**a**) (abbreviated extracts)—

(a) the reference to the Adopted Children Register maintained under section 53(1) of the Adoption and Children (Scotland) Act 2007 is to be read as including a reference to the Parental Order Register maintained by the Registrar General under section 53(1) of that Act, as applied with modifications by regulation 3 of and Schedule 2 to these Regulations; and

(b) the reference to adoption is to be read as including a reference to the effect of a parental order made under section 54 or 54A of the 2008 Act.

4. In section 43(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (recording of baptismal name or change of name or surname) the reference to the Adopted Children Register maintained by the Registrar General under section 22 of the Adoption Act 1958 is to be read as including a reference to the Parental Order Register maintained by the Registrar General under section 53(1) of the Adoption and Children (Scotland) Act 2007, as applied with modifications by regulation 3 of and Schedule 2 to these Regulations.

Births and Deaths Registration (Northern Ireland) Order 1976

5. In Article 37 of the Births and Deaths Registration (Northern Ireland) Order 1976(**b**) (registration or alteration of child's name)—

(a) the references to the Adoption (Northern Ireland) Order 1987 are to be read as including a reference to the Adoption (Northern Ireland) Order 1987, as applied with modifications by regulation 4 of and Schedule 3 to these Regulations; and

(b) the references to the Adopted Children Registrar General under Article 50 of the Adoption (Northern Ireland) Order 1987 are to be read as including a reference to the Parental Order Register maintained by the Registrar General under Article 50 of that Order, as applied with modifications by regulation 4 of and Schedule 3 to these Regulations.

Marriage (Scotland) Act 1977

6. In Schedule 1 to the Marriage (Scotland) Act 1977(**c**) (degrees of relationship) any reference to an adoptive relationship (however expressed) is to be read as a reference to the corresponding relationships created by the grant of a parental order and which arise by virtue of the enactments applied with modifications by regulations 2, 3 and 4 of these Regulations.

Adoption (Scotland) Act 1978

7.—(1) In section 39 of the Adoption (Scotland) Act 1978(**d**) (status conferred by adoption)—

(a) a reference to an adoption order in each place it occurs is to be read as including a reference to a parental order made under section 54 or section 54A of the 2008 Act; and

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(**a**) 1965 c. 49. Section 39E was inserted by section 44(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and was amended by paragraph 1 of the Schedule to SSI 2010/21. Section 43 was amended, but those amendments are not relevant to this instrument.

(**b**) 1976 No 1041 (NI 14). Article 37 was amended by section 16 of the Civil Registration Act (Northern Ireland) 2011 (c. 20).

(**c**) 1977 c. 15. Schedule 1 was substituted by the Marriage and Civil Partnership (Scotland) Act 2014 (2014 asp 5).

(**d**) 1978 c. 28. Section 39 was amended by section 97 of the Children (Scotland) Act 1995 (c. 36) and paragraph 1 of Schedule 3 to the Family Law (Scotland) Act 2006 (asp 2). Other amendments have been made, but those amendments are not relevant to this instrument

(b) a reference to an adopter is to be read as including a reference to any of the persons, or the person, who obtained a parental order in respect of the child.

(2) In subsection (2) the reference to a child who has been adopted by one of his natural parents is to be read as including a reference to a child who is the subject of a parental order granted to one of that child's natural parents.

8. In section 41(1) of the Adoption (Scotland) Act 1978(**a**) (miscellaneous enactments)—

(a) the reference to an adoption order is to be read as including a reference to a parental order made under section 54 or section 54A of the 2008 Act; and

(b) the reference to the adopter is to be read as including a reference to any of the persons, or the person, who obtained the parental order in respect of the child.

9. In section 44 of the Adoption (Scotland) Act 1978 (effect of s. 39 on succession and inter vivos deed)—

(a) the reference to adoption is to be read as including a reference to a parental order made under section 54 or section 54A of the 2008 Act; and

(b) the reference to adopted persons is to be read as including a reference to persons who were the subjects of parental orders.

British Nationality Act 1981

10. In section 1 of the British Nationality Act 1981(**b**) (acquisition by birth or adoption)—

(a) the reference to an order authorising the adoption of a minor who is not a British citizen in subsection (5)(a) is to be read as including a reference to a parental order made under section 54 or section 54A of the 2008 Act in respect of a minor; and

(b) the reference to the adopter is to be read as including a reference to the person who obtained the parental order under section 54A of the Human Fertilisation and Embryology Act 2008 and the reference, in relation to the case of a joint adoption, to one of the adopters as including a reference to one of the persons who obtained the parental order under section 54 of the 2008 Act.

Senior Courts Act 1981

11. In paragraph 3 of Schedule 1 to the Senior Courts Act 1981(**c**) (Distribution of Business in High Court: Family Division) the reference to all causes and matters relating to adoption is to be read as including a reference to proceedings under the provisions of the Adoption and Children Act 2002 applied with modifications by regulation 2 of and Schedule 1 to these Regulations.

Foster Children (Scotland) Act 1984

12. In section 2(5)(a) of the Foster Children (Scotland) Act 1984(**d**) (exceptions to section 1) the reference to a child placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of a person or persons who propose to apply for a parental order under section 54 or section 54A of the 2008 Act in respect of that child.

(**a**) Section 41(1) was amended by section 86(10) of the Civil Partnership Act 2004.
(**b**) 1981 c. 61. Section 1 has been amended, but no amendments are relevant.
(**c**) 1981 c. 54. Paragraph 3 of Schedule 1 was amended by Schedule 4 to the Family Law Reform Act 1987 (c. 42). Other amendments have been made, but are not relevant to this instrument.
(**d**) 1984 c. 56. Section 2 was amended by paragraph 3 of Schedule 2 to the Adoption and Children (Scotland) Act 2007. Other amendments have been made which are not relevant to this instrument.

Child Abduction and Custody Act 1985

13. In paragraph 5(vii) of Part 2 of Schedule 3 to the Child Abduction and Custody Act 1985(**a**) (custody orders: Scotland) the reference to an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007) is to be read as including a reference to a parental order under section 54 or section 54A of the 2008 Act.

Family Law Act 1986

14. In section 1(1)(b)(x) of the Family Law Act 1986(**b**) (child custody) the reference to an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007) is to be read as including a reference to a parental order under section 54 or section 54A of the 2008 Act.

Children Act 1989

15. In paragraph 5 of Schedule 8 to the Children Act 1989(**c**) (privately fostered children: exemptions) the reference to a child being placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of a person or persons who propose to apply for a parental order under section 54 or section 54A of the 2008 Act in respect of that child.

Human Fertilisation and Embryology Act 1990

16. In Sections 27(2) (meaning of mother) and 28(5)(c) (meaning of father) of the Human Fertilisation and Embryology Act 1990(**d**) any reference to adoption is to be read as including a reference to the effect of a parental order under section 54 or section 54A of the 2008 Act.

Judicial Pensions and Retirement Act 1993

17. In section 6 of the Judicial Pensions and Retirement Act 1993(**e**) (grant and payment of a children's pension)—

(a) the references in subsections (2)(c) and (d), (5) and (7)(b) and (c) to children adopted by a person are to be read as including children in respect of whom a parental order has been obtained by that person; and

(b) the reference in subsection (5) to the deceased's intention of adopting the child is to be read as including a reference to the deceased's intention of applying for a parental order in respect of the child.

Civil Evidence (Family Mediation) (Scotland) Act 1995

18. Section 2(1)(d)(iii) of the Civil Evidence (Family Mediation) (Scotland) Act 1995(**f**) (exceptions to the general rule of inadmissibility) the reference to an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007) is to be read as including a reference to a parental order under section 54 or section 54A of the 2008 Act.

(**a**) 1985 c. 60. Paragraph 5(vii) was added by paragraph 1 of Schedule 2 to S.I. 2011/1740.
(**b**) 1986 c. 55. So far as England and Wales are concerned, section 1 was amended by paragraph 2 of Schedule 1 to S.I. 2011/1740.
(**c**) 1989 c.41. Paragraph 5 of Schedule 8 was amended by section 14 and paragraph 73 of Schedule 3 to the Adoption and Children Act 2002 and paragraph 3 of Schedule 1 to S.I. 2011/1740. There are other amendments to paragraph 5 of Schedule 8 which are not relevant to this instrument.
(**d**) 1990 c. 37. Section 27 was amended by paragraph 77 to Schedule 3 of the Adoption and Children Act 2002. Section 28(5)(c) was amended by paragraph 78 of Schedule 3 to that Act.
(**e**) 1993 c. 8. Section 6 has been amended by S.I. 2005/3325.
(**f**) 1995 c. 6. Section 2 was amended by paragraph 8 of Schedule 2 to the Adoption and Children (Scotland) Act 2007. Other amendments have been made, but those amendments are not relevant to this instrument.

Children (Northern Ireland) Order 1995

19. In paragraph (7)(a) of Article 107 of the Children (Northern Ireland) Order 1995(**a**) (privately fostered children further defined) the reference to a child being placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency within the meaning of the provisions mentioned in that paragraph is to be read as including a reference to a child being in the care of the person or persons who propose to apply for a parental order under section 54 or section 54A of the 2008 Act in respect of that child.

Sexual Offences Act 2003

20. In sections 64 and 65 of the Sexual Offences Act 2003(**b**) (sex with an adult relative: penetration) references to an adoptive relationship (however expressed) is to be read as a reference to the corresponding relationships created by the grant of a parental order and which arise by virtue of the enactments applied with modifications by regulations 2, 3 and 4 of these Regulations.

Civil Partnership Act 2004

21. Schedule 1 (prohibited degrees of relationship: England and Wales) is to be read as if any reference to an adoptive relationship (however expressed) is to be read as a reference to the corresponding relationships created by the grant of a parental order and which arise by virtue of the enactments applied with modifications by regulations 2, 3 and 4 of these Regulations.

Modification of the Local Electoral Administration and Registration Services (Scotland) Act 2006

22.—(1) In section 58(2)(k) of the Local Electoral Administration and Registration Services (Scotland) Act 2006(**c**) (issuing of other material kept or held by Registrar General) references to the Adopted Children Register and to any register or book are to be read as including references to the Parental Order Register maintained by the Registrar General under section 53(1) of the 2007 Act and to any register or book maintained in pursuance of section 55(1) of that Act, both as applied with modifications by regulation 3 of and Schedule 2 to these Regulations.

Human Fertilisation and Embryology Act 2008

23. In sections 33(2) (meaning of mother) and 38(4) (further provision relating to sections 35 and 36) of the 2008 Act references to adoption are to be read as including a reference to the effect of a parental order under section 54 or 54A of that Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made as a consequence of the introduction of section 54A to the Human Fertilisation and Embryology Act 2008 ("the 2008 Act"), by the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S. I. 2018/000). Section 54A makes provision for parental orders to be granted under that Act to one applicant only.

Regulation 1 provides that in any provision which is applied with modifications by regulations 2, 3, 4 or 5 of the Regulations "parental order" means an order which is sought under section 54, or 54A of the 2008 Act.

(**a**) S. I. 1995/755. (N.I. 2) Article 107 has been amended by paragraph 17 of Schedule 1 to S.I. 2011/1740. Other amendments have been made to Article 107, but those amendments are not relevant to this instrument.

(**b**) 2003 c. 42. Section 64 was amended by paragraph 5 of Schedule 15 to the Criminal Justice and Immigration Act 2008 (c. 4) and section 65 was amended by paragraph 6 of Schedule 15 to that Act.

(**c**) 2006 asp 14. Section 58 was amended by paragraph 7 of the Schedule to SSI 2010/21.

Regulation 2 and Schedule 1 applies with modifications in relation to parental orders certain provisions of the Adoption and Children Act 2002 relating to adoption orders.

Regulation 3 and Schedule 2 make similar modifications in relation to the Adoption and Children (Scotland) Act 2007, and regulation 4 and Schedule 3 make similar modifications in relation to the Adoption (Northern Ireland) Order 1987.

Regulation 4 makes modifications to other legislation as a consequence of the modifications made by these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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UK201811141003 11/2018 19585

http://www.legislation.gov.uk/id/ukdsi/2018/9780111174715