
D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

HUMAN FERTILISATION AND EMBRYOLOGY

**The Human Fertilisation and Embryology (Parental Orders)
Regulations 2018**

Made - - - - - ***

Coming into force - - - - - ***

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

A draft of this instrument 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 xx.

(2) Any provision of these Regulations which applies or modifies an enactment 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; and

“the 1987 Order” means the Adoption (Northern Ireland) Order 1987(d).

(5) In these Regulations, and in any provision that is applied with modifications by regulation 2, 3, 4 or 5 and Schedule 1, 2, 3 or 4 “parental order” means an order under section 54(e) (parental orders) or 54A(f) of the 2008 Act and, for the purposes of the provisions specified in paragraph (6), also includes an order under section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders).

(6) The provisions referred to in paragraph (5) are—

(a) 2008 c. 22.

(b) 2002 c. 38.

(c) 2007 asp 4.

(d) S.I. 1987/2203.

(e) Section 54 has been amended, 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 (S.I. 2018/000).

- (a) sections 60(a), 77 to 82 of, and Schedule 1 to, the 2002 Act, as applied with modifications by regulation 2 and Schedule 1;
- (b) Articles 50(b) to 54 of, and Schedule 2 to, the 1987 Order, as applied with modifications by regulation 3 and Schedule 2;
- (c) sections 53 to 57 of, and Schedule 1 to, the 2007 Act, as applied with modifications by regulation 4 and Schedule 3; and
- (d) paragraphs 1, 13, 17, 18 and 20 of Schedule 4 to these Regulations.

Application of certain provisions of the 2002 Act subject to modifications

2. The provisions of the 2002 Act set out in Schedule 1 have effect in relation to parental orders made in England and Wales and applications for such orders 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

3. The provisions of the 1987 Order set out Schedule 2 have effect in relation to parental orders made in Northern Ireland and applications for such orders 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

4. The provisions of the 2007 Act set out in Schedule 3 have effect in relation to parental orders made in Scotland and applications for such orders 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. The enactments mentioned in Schedule 4 (which relate to adoption, adopted children or an adoptive relationship) are to be read as having effect subject to the modifications set out in that Schedule.

Signatory text

Address Date	<i>Name</i> Parliamentary Under Secretary of State Department
-----------------	---

SCHEDULE 1

Regulation 2

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

1. Section 1(c) of the 2002 Act (considerations applying to the exercise of powers) applies in respect of a parental order as if—

-
- (a) Section 60 was amended by section 17 of the Crime and Courts Act 2013 (c. 22).
 - (b) Section 50 was amended by section 10 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11) and section 25 of the Civil Registration Act (Northern Ireland) 2001 (c. 20). There are other amendments which are not relevant to this instrument.
 - (c) 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).

- (a) the words “or adoption agency” were omitted on each occasion they appear;
- (b) in subsection (1), for “the adoption of” there were substituted “the making of a parental order”;
- (c) in subsection (4), the words “or agency” were omitted on each occasion 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 “regarding the child” were omitted;
- (f) in subsection (5) were omitted;
- (g) in subsection (6)—
 - (i) after “whether” there were inserted “under section 54 or section 54A (as the case may be) of the Human Fertilisation and Embryology Act 2008”;
 - (ii) after the words “this Act” on the first occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
 - (iii) for “any order under this Act” there were substituted “an order under either of those sections or under this Act as so applied”;
- (h) in subsection (7)—
 - (i) for “the adoption of” there were substituted “the making of a parental order in relation to”
 - (ii) 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),”; and
 - (iii) the words “adoption agency or” in paragraph (b) were omitted.

2. Section 2(5)(a) of the 2002 Act applies in respect of a parental order without modification.

3.—(1) Section 36(1), (4), (6) and (7) (restrictions on removal) of the 2002 Act apply in respect of a parental order, subject to the modifications described in the following paragraphs.

(2) Where the parental order is sought under section 54 of the 2008 Act (application by two persons), section 36(1) applies as if—

- (a) (“the people concerned”) to “people concerned” were omitted;
- (a) for subsection (1)(a) there were substituted “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”;
- (b) paragraphs (b) and (c) were omitted;
- (c) 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 the parental order is sought under section 54A of the 2008 Act (application by one person), section 36(1) applies as if it were substituted with—

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

(4) Section 36(4) applies as if for “This section” there were substituted “In the case of an application for a parental order under section 54(11) or 54A(14) of the 2008 Act, this section”.

(5) Section 36(6) applies as if—

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

(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) Section 36(7) applies 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”.

4. Section 37(a) (applicants for adoption) of the 2002 Act applies in respect of a parental order as if after “section 36(1)(a),” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

5.—(1) Section 46(1) to (4) (adoption orders) of the 2002 Act apply in respect of a parental order, subject to the modifications described in the following paragraphs.

(2) Where the parental order is sought under section 54 of the 2008 Act, section 46(1) applies as if it were substituted with—

“(1) A parental order transfers parental responsibility for a child in respect of whom it is made to the persons who obtained the order.”.

(3) Where the parental order is sought under section 54A of the 2008 Act, section 46(1) applies as if it were substituted with—

“(1) A parental order transfers parental responsibility for a child in respect of whom it is made to the person who obtained the order.”.

(4) Where the parental order is sought under section 54A of the 2008 Act, section 46(2) applies as if—

(a) in paragraph (a), for “adopters or adopter” there were substituted “persons who obtained the order” and for “adopted child” there were substituted “child who is the subject of the parental order”; and

(b) in paragraph (d), the word “adopted” were omitted and for “adoption” there were substituted “parental”.

(5) Where the parental order is sought under section 54 of the 2008 Act, section 46(2) applies as if—

(a) in paragraph (a), for “adopters or adopter” there were substituted “person who obtained the order” and for “adopted child” there were substituted “child who is the subject of the parental order”; and

(b) in paragraph (d), the word “adopted” were omitted and for “adoption” there were substituted “parental”.

(6) Section 46(3) applies as if paragraph (b) were omitted.

6.—(1) Section 48 (restrictions on making adoption orders) of the 2002 Act applies in respect of a parental order, subject to the modifications described in the following paragraphs.

(2) Section 48 applies as if for the words “an adoption order” on each time they appear there were substituted “a parental order”.

(3) Section 48(1) of the 2002 Act applies as if after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

(4) Section 48(2) of the 2002 Act applies as if for paragraphs (a) and (b) there were substituted “for a parental order, whether made in England and Wales or in Scotland or Northern Ireland.”.

7.—(1) Section 60(1) and (4)(b) (disclosing information to adopted child) of the 2002 Act apply in respect of a parental order, subject to the modifications described in the following paragraphs.

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

(b) Section 60 has been amended, but those amendments are not relevant to this instrument.

(2) Section 60(1) applies as if for “an adopted person who” there were substituted “a person who is the subject of a parental order and”;

(3) Section 60(4) applies as if—

(a) for “adoption order” and “adoption” there were substituted “parental order” and as if the word “adopted” and “also” were omitted; and

(b) at the end of section 60(4) there were inserted—

“But the court must not provide a copy of any prescribed document or prescribed order to the person who is the subject of the parental order unless that person certifies that they have—

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

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

8. Section 64(1)(a) (other provisions to be made by regulations) of the 2002 Act applies in respect of a parental order as if paragraphs (a) and (c) were omitted.

9. Section 65(1) (sections 56 to 65: interpretation) of the 2002 Act applies in respect of a parental order as if—

(a) the definition of “appropriate adoption agency” and the definition of “regulations” were omitted; and

(b) in the definition of “subordinate legislation” the words “regulations or” were omitted.

10.—(1) Section 67(1) to (3), (5) and (6) (status conferred by adoption) of the 2002 Act apply in respect of a parental order, subject to the modifications described in the following paragraphs.

(2) On each occasion that the words “an adopted person” appear in the provisions referred to in sub-paragraph (1), they apply as if there were substituted “a person who is the subject of a parental order”.

(3) In the case of a parental order obtained under section 54 of the 2008 Act, on each occasion that the words “adopters or adopter” appear in the provisions referred to in sub-paragraph (1), they apply as if there were substituted “persons who obtained the order”.

(4) In the case of a parental order obtained under section 54A of the 2008 Act, on each occasion that the words “adopters or adopter” appear in the provisions referred to in sub-paragraph (1), they apply as if there were substituted “person who obtained the order”.

(5) Section 67(2) applies as if—

(a) in the case of a parental order obtained under section 54 of the 2008 Act—

(i) the words from “and, if adopted by” to “section 51(2),” were omitted; and

(ii) for “the couple in question” there were substituted “those persons”;

(b) in the case of a parental order obtained under section 54A of the 2008 Act, it were substituted with—

“(2) A person subject to a parental order is the legitimate child of the person who obtained the order.”.

(6) Section 67(3) applies as if—

(a) in the case of a parental order obtained under section 54 of the 2008 Act—

(i) section 67(3)(a) were omitted; and

(ii) in section 67(3)(b) the words “in any other case,” and “subjection to subsection (4)” were omitted;

(b) in the case of a parental order obtained under section 54A of the 2008 Act, it were substituted with—

(a) Section 64 was amended by section 79 of the Civil Partnership Act 2004.

“(3) A person subject to a parental order is to be treated in law as not being the child of any person other than the person who obtained the parental order, but this subsection does not affect any reference in this Act to a person’s natural parent or to any other natural relationship.”.

(7) Section 67(5) applies as if for “adoption” there were substituted “parental order”.

(8) Section 67(6) applies as if—

- (i) the words “and Schedule 4” were substituted with “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”; and
- (ii) for the word “adoption” on each occasion it appears there were substituted “making of the parental order”.

11. Section 68(3) (adoptive relatives) of the 2002 Act 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”.

12.—(1) Section 69 (rules of interpretation for instruments concerning property) of the 2002 Act applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Section 69(1) applies as if the words “and to Schedule 4” were omitted.

(3) Section 69(2) applies 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—
 - (i) in the case of a parental order obtained under section 54 of the 2008 Act, “persons who obtained the parental order”;
 - (ii) in the case of a parental order obtained under section 54A of the 2008 Act, “person who obtained the parental order”;
- (c) in paragraph (a)—
 - (i) for “adopted person” there were substituted “person who is the subject of the parental order”; and
 - (ii) for “adoption” there were substituted “the parental order”;
- (d) in paragraph (b), for “adopted” there were substituted “who are the subject of parental orders”.

(4) Section 69(3) applies as if after “subsection (2)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

(5) Section 69(4) applies 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” there were substituted “person who is the subject of a parental order”; and
- (c) for “adoption” there were substituted “parental order is made”;

(6) Section 69(5)(a) applies as if for “adopt” there were substituted “apply for a parental order in respect of”.

(7) Section 69(5)(b) applies as if—

- (a) after “section 67”, there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
- (b) 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”;

(c) 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.

13. Section 71 (property devolving with peerages etc) of the 2002 Act applies as if—

- (a) for the words “an adoption” on each occasion 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”.

14. Section 73 (meaning of disposition) of the 2002 Act applies in respect of parental orders as if in subsection (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”.

15.—(1) Section 74(a) (miscellaneous enactments) of the 2002 Act applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Section 74 applies as if after the words “Section 67” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

(3) Section 74(1) applies as if after “not apply” there were inserted “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”.

16. Section 75 (pensions) of the 2002 Act applies in respect of parental orders as if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.

17. Section 76(1) (insurance) of the 2002 Act applies in respect of parental orders as if—

- (a) for “is adopted whose” there were substituted “is the subject of a parental order and the child’s”;
- (b) for “adoption” there were substituted “parental order”;
- (c) for the words “adoptive parents” on each occasion they appear there were substituted—
 - (i) in the case of a parental order obtained under section 54 of the 2008 Act, “persons who obtained the order”;
 - (ii) in the case of a parental order obtained under section 54A of the 2008 Act, “person who obtained the order”;
- (d) in the case of a parental order obtained under section 54A, in section 76(1)(b), the word “are” were omitted.

18.—(1) Section 77 (adopted children register) of the 2002 Act applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Section 77 applies as if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”.

(3) Section 77(3) applies as if in—

- (a) paragraph (a) for “adoption orders” there were substituted “parental orders”; and
- (b) 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) Section 77(4) applies as if for “adoption” there were substituted “parental order”.

(5) Section 77(5) applies as if for the words “adopted person” on each occasion they appear there were substituted “person who is the subject of the parental order”.

(6) Section 77(6) applies as if for—

- (a) “adoptions” and for “adoption orders” there were substituted “parental orders”; and

(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) after “amendment of parental orders)” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

19.—(1) Section 79(a)(1) to (3) and (7) to (9) (connections between the register and birth records) of the 2002 Act apply in respect of parental order subject to the modifications described in the following paragraphs.

(2) Section 79(1) applies 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”;
- (b) for “Adopted Children Register” there were substituted “Parental Order Register”.

(3) Section 79(2) applies 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) Section 79(3) applies as if for “an adopted person” there were substituted “a person who is the subject of the parental order”.

(5) Section 79(7) applies as if for the words from “On an application made” to the end of paragraph (b) there were substituted “On an application made in the prescribed manner by a person who is the subject of a parental order and a record of whose birth is kept by the Registrar General and who is under the age of 18 years and intends to be married or form a civil partnership.”.

(6) Section 79(8) applies 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 counselling services providing counselling in relation to the implications of compliance with the request; and
- (ii) be given a suitable opportunity to receive counselling”.

(7) Section 79(9) applies as if the definition of “appointed day” were omitted.

20. Section 82 (interpretation) of the 2002 Act applies in respect of parental orders without modification.

21.—(1) Section 83(b)(1), (5) and (7) to (9) (restriction on bringing children in) of the 2002 Act apply subject to the modifications described in the following paragraphs.

(2) Section 83(1) applies as if—

- (a) for the word “adoption” on each occasion it appears there were substituted “applying for a parental order”;
- (b) the words “or to a child adopted” on each occasion they appear were omitted;
- (c) in paragraph (b) the word “or” immediately before it were omitted;

(3) Section 83(5) applies 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”.

(4) Section 83(7) applies as if—

- (a) paragraph (a) were omitted;
- (b) 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”.

(5) Section 83(9) applies as if the words “after consultation with the Assembly” were omitted.

(a) 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) Section 83 was amended by section 14 of the Children and Adoption Act 2006 (c. 20).

22. Section 101(1) (privacy) of the 2002 Act applies in respect of parental orders as if after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

23.—(1) Section 102(a)(1) to (4) and (6) to (8) (officers of the service) of the 2002 Act apply in respect of parental orders subject to the modifications described in the following paragraphs.

(2) The provisions described in paragraph (1) apply as if for the words “placement or adoption” on each occasion they appear there were substituted “a parental order”.

(3) Section 102(1) applies as if the words “in prescribed cases” were omitted.

(4) Section 102(6) applies as if—

- (a) subsections (a), (b), and (d) were omitted; and
- (b) for section 102(6)(c) there were substituted “(c) the making or revocation of a parental order.”

24.—(1) Section 104 (evidence of consent) of the 2002 Act applies in respect of parental orders subject to the modification described in the following paragraph.

(2) Section 104(4) applies 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 58A(8) of the 2008 Act”.

25.—(1) Section 105(b)(3) and (4) (effect of certain Scottish orders and provisions) of the 2002 Act applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Section 105(3) applies as if—

- (a) in paragraph (a) for the words from “section 27(1)” to “or” there were substituted “section 20(2) of the Adoption and Children (Scotland) Act 2007 (restrictions on removal where application pending) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (b) paragraph (b) were omitted.

(3) Section 105(4) applies as if—

- (a) for “section 29” there were substituted “section 24”;
- (b) after “remove child)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (c) 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 106(3) and (4) (effect of certain Northern Irish orders and provisions) of the 2002 Act apply in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Section 106(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 3 of and Schedule 2 to the Parental Order Regulations”; and
- (c) as if paragraph (b) were omitted.

(3) Section 106(4) applies as if—

- (a) after “remove child)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and

(a) Section 102 has been amended, but those amendments are not relevant to this instrument.

(b) Section 105 was amended by paragraph 6 of Schedule 1 to S.I. 2011/1740.

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

27.—(1) Section 107(a) (use of adoption records from other parts of the British Islands) of the 2002 Act applies in respect of parental order subject to the modifications described in the following paragraphs.

(2) Section 107(a) applies as if—

- (a) for section “section 45(2)” there were substituted “section 56”;
- (b) as if in section 107(a) for “Adoption (Scotland) Act 1978” there were substituted “Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations;
- (c) (b) after “Order 1987” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”
- (d) (iv) as if in section 107(c) after “this Act” there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”.

28.—(1) Section 140(b)(1), (2) and (7) to (9) (orders, rules and regulations) of the 2002 Act applies in respect of parental orders subject to the modifications described in the following paragraphs.

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

(3) Section 140(1) applies as if the words “the Lord Chancellor” and “the Scottish Ministers” and “the Assembly” were omitted.

(4) Section 140(2) applies as if the words “(other than section 14 or 148 or an instrument to which subsection (3) applies)” were omitted.

29.—(1) Section 144(1) and (2) (general interpretation) of the 2002 Act apply in respect of parental order subject to the modifications described in the following paragraphs.

(2) The provisions referred to the previous paragraph apply as if—

- (a) after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
- (b) after the definition of “notice” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2017”;
- (c) 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”;
- (d) 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.”.

(3) Section 144(2)(c) applies as if the words “Order in Council or” and “Order or, as the case may be,” were omitted.

30.—(1) Paragraph 1 of Schedule 1 to the 2002 Act (registrations of adoption orders) applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Paragraph 1 applies as if—

- (a) in sub-paragraph (1)—
 - (i) for “adoption order” there were substituted “parental order”; and

(a) Section 107 was amended by paragraph 6 of Schedule 1 to S.I. 2011/1740.

(b) 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).

(c) Section 144 has been amended, but those amendments are not relevant to this instrument.

- (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”;
 - (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”.

31.—(1) Paragraph 2 of Schedule 1 to the 2002 Act (registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands) applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Paragraph 2 applies 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”;
 - (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”.

32.—(1) Paragraph 4 of Schedule 1 to the 2002 Act (amendment of orders and rectification of Registers and other records) applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Paragraph 4 applies as if—

- (a) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
- (b) for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
- (c) in sub-paragraph (1)—
 - (i) in the case of a parental order obtained under section 54 of the 2008 Act, for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;
 - (ii) in the case of a parental order obtained under section 54A of the 2008 Act, for “adopter or the adopted person” there were substituted “person who obtained the order or the person who is the subject of the order”;
- (d) in sub-paragraph (2)—
 - (i) in the case of a parental order obtained under section 54 of the 2008 Act, for “adopter or the adopted person” there were substituted “persons who obtained the order or the person who is the subject of the order”;

- (ii) in the case of a parental order obtained under section 54A of the 2008 Act, for “adopter or the adopted person” there were substituted “person who obtained the order or the person who is the subject of the order”;
- (e) in sub-paragraph (2)(a) for “given to the adopted person” there were substituted “by that person”;
- (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 1987 Order in respect of parental orders and applications for such

1.—(1) Article 2(a) of the 1987 Order (interpretation) applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Paragraph (1) applies as if the words “Article 1 and” were omitted.

(3) Paragraph (2) applies as if—

(a) 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) 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 3 of and Schedule 2 to the Parental Order Regulations, the court in which that application is pending;”;

(c) for the definition of “existing” there were substituted—

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

(d) 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 3 of and Schedule 2 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;”;

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

- (e) after the definition of “parent” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018;”;
- (f) for the definition of “parental responsibility” there were substituted ““parental responsibility” has the same meaning as in the Children (Northern Ireland) Order 1995;”;
- (g) for the definition of “prescribed” there were substituted ““prescribed” in Article 54 means prescribed by regulations made by the Department of Finance and elsewhere means prescribed by rules;”.

2.—(1) Article 9 (duty to promote the welfare of the child) of the 1987 Order applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Article 9 is to apply as if—

- (a) for “the adoption of a child” there were substituted “the making of a parental order in respect of a child”;
 - (b) the words “or adoption agency” were omitted;
 - (c) for “most important” there were substituted “paramount”;
 - (d) in paragraph (a)(i) for “adoption, or adoption by a particular person or persons,” there were substituted “the granting of such an order”; and
 - (e) after Article 9(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 Human Fertilisation and Embryology Act 2008;
- (b) under this Order as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations; or
- (c) the Children (Northern Ireland) Order 1995)

[and the court must not make an order under that section 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—

- (a) references to relationships are not confined to legal relationships; and
- (b) references to a relative, in relation to a child, include the child’s mother and father.”.

3.—(1) Article 12(a)(1) to (5) (adoption orders) of the 1987 Order applies in respect of parental orders subject to the modifications described in the following paragraphs.

(2) Paragraph (1) to (5) apply as if for the words “an adoption order” on each occasion they appear, there were substituted “a parental order”.

(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.

(3) Paragraph (1) applies 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 person in the case of a parental order under section 54A of the 2008 Act”.

4. Article 25(a)(1) (restrictions on making adoption orders) of the 1987 Order applies as if—

- (a) for “an adoption order” there were substituted “a parental order”; and
- (b) as if for “a British adoption order” there were substituted “such an order”.

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

- (a) for paragraph (1) of Article 28 there were substituted the following paragraph—

“(1) While an application for a parental order is pending a parent or guardian 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 Article 28(3) for “or (2)” there were substituted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.

6.—(1) Article 30(c) (return of a child taken away in breach of Article 28 or 29) applies as if—

- (a) for the words “Article 28 or 29” on each occasion they appear there were substituted “Article 28 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
- (b) for the words “section 27 or 28 of the Adoption Act 1976” on each occasion 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 27 or 28 of the Adoption (Scotland) Act 1978” on each occasion they appear there were substituted “section 22 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (d) in Article 30(3) and 30(4) after the words “under paragraph (1)” on each occasion they appear there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
- (e) in Article 30(5) after the words “under paragraph (3)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.

7. Article 40(d)(1), (2), (3), (4) and (6) (status conferred by adoption) applies as if—

- (a) for the words “an adopted child” on each occasion they appear there were substituted “a child who is the subject of a parental order”;
- (b) for Article 40(1)(a) there were substituted “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”;
- (c) in Article 40(2) for the words from “subject to paragraphs (3)” to “or adopter” there were substituted “be treated in law as if he 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) in Article 40(3)(a) for the words from “does not apply” to “for the purposes of” there were substituted—

(a) Article 25 was amended by paragraph 149 of Schedule 9 to S.I. 1995/755.

(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 Partnerships Act 2004.

“as applied with modifications by regulation 3 of and Schedule 2 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”;

- (e) in article 40(3) sub-paragraph (b) were omitted;
- (f) in Article 40(6) on both occasions that the word “adoption” appears, there were substituted “parental order was made”; and
- (g) in Article 40(6) the words “Subject to the provisions of this Part” and “, or after the commencement of this Part, whichever is the later” were omitted.

8. Article 42 (rules of construction for instruments concerning property) applies as if—

- (a) in Article 42(1) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
- (b) in Article 42(2)—
 - (i) for “Article 40(1)” there were substituted “Article 40(1)(a) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
 - (ii) for “of the adoptive parent or parents” there were substituted “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”;
 - (iii) for “adopted child”, in paragraphs (2)(a) and (4) there were substituted “child who is the subject of the parental order”;
 - (iv) in sub-paragraph (a) for “adoption” there were substituted “the parental order was made”;
 - (v) in sub-paragraph (b) for “adopted” there were substituted “in respect of whom parental orders were made”;
- (c) in Article 42(4)—
 - (i) after “Article 40(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
 - (ii) for “adoption” there were substituted “making of the parental order”;
 - (iii) for “adopted child” there were substituted “child who is the subject of the parental order”;
- (d) in Article 42(5)—
 - (i) for “adopt” there were substituted “obtain a parental order in respect of”; and
 - (ii) after “Article 40” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.

9. Article 44 (property devolving with peerages, etc.) applies as if for the words “An adoption” on each occasion they appear there were substituted “The making of a parental order”.

10. Article 45 (protection of trustees and personal representatives) applies as if in paragraph (1) for “adoption” there were substituted “parental order”.

11. Article 46 (meaning of “disposition”) applies 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 3 of and Schedule 2 to the Parental Order Regulations”.

12. Article 47(a)(1) and (2) (miscellaneous enactments) applies as if—

- (a) in paragraph (1)—
 - (i) for “Article 40 does not apply” there were substituted—

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

“Article 40, as applied with modifications by regulation 3 of and Schedule 2 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”;

(ii) the words from “; but nothing in” to “(b) of that Order” were omitted; and

(b) in paragraph (2) for “Article 40” there were substituted “Article 40 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.

13. Article 50(a) (adopted children register) applies as if—

(a) for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;

(b) in Article 50(1)(a)(i) for “adoption orders” there were substituted “parental orders”;

(c) in Article 50(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 the Parental Order Regulations”;

(d) in Article 50(2) for the words from “Every person shall” to “subject to the same terms” there were substituted—

“The Registrar General shall—

(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”;

(e) in Article 50(3) after “Article 54” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;

(f) in Article 50(3)(b) for “an adoption order” there were substituted “a parental order”; and

(g) Article 50(3)(c) were omitted.

14. Article 51(1), (3), (4), (6) and (7) (registration of adoption orders) applies as if—

(a) in Article 51(1) for “adoption order” there were substituted “parental order”;

(b) in Article 51(1) for “Adopted Children Register” there were substituted “Parental Order Register”;

(c) in Article 51(1) after “Schedule 2” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;

(d) in Article 51(1) the words “(subject to paragraph (2))” were omitted;

(e) in Article 51(3) 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 3 of and Schedule 2 to the Parental Order Regulations”;

(f) in Article 51(3) the word “and” in subparagraph (a) were omitted and sub-paragraph (b) were omitted;

(g) in Article 51(4)—

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

(ii) for “any adoption order” there were substituted “any parental order”;

(a) 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).

- (iii) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;
- (h) in Article 51(6) for “an adoption order shall cause the adoption order” there were substituted “a parental order shall cause the order”;
- (i) in Article 51(7)—
 - (i) for “an adoption order” on each occasion they appear there were substituted “a parental order”;
 - (ii) after “paragraph (6)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
 - (iii) 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.

15. Article 52(1) to (4) and (6) (amendment of orders and rectification of Registers) applies as if—

- (a) for the words “Adopted Children Register” on each occasion they appear, except in Article 52(6), there were substituted “Parental Order Register”;
- (b) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
- (c) in Article 52(1) for the words “adopter or of the adopted person” on each occasion 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”;
- (d) in Article 52(1)(a) for “given to the adopted person” there were substituted “given to that child” and the words “, or taken by him,” were omitted;
- (e) in Article 52(1)(b) for “Article 51(4) or (5)” there were substituted “Article 51(4) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
- (f) in Article 52(2) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
- (g) in Article 52(4) after “Article 50(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
- (h) in Article 52(6)—
 - (i) after “Article 51(7)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
 - (ii) the words “or an Adopted Children Register or any corresponding register of adoptions” were omitted.

16. Article 53(a)(1) and (2) (registration of adoptions made outside Northern Ireland) applies as if—

- (a) in Article 53(1) for “register of adoptions” there were substituted “register of parental orders”;
- (b) in Article 53(1)—
 - (i) 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”;
 - (ii) the words “or the Adopted Children Register” were omitted;
 - (iii) for “Adopted” or “Readopted” as the case may require there were substituted “Re-registered”;
- (c) in Article 53(2)—

(a) Article 53 was amended by section 10 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2011.

- (i) for “so marked” there were substituted “marked in accordance with paragraph (1) as applied with modifications by 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”.

17. Article 54(a)(1), (2), (4) and (5) (disclosure of birth records of adopted children) applies as if—

- (a) in Article 54(1)—
 - (i) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
 - (ii) for “an adopted person” there were substituted “a person who is the subject of a parental order”;
- (b) in Article 54(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 Article 54(4)—
 - (i) for “an adopted person” there were substituted “a person who is the subject of a parental order”;
 - (ii) sub-paragraph (a)—
 - (aa) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
 - (bb) 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”;
 - (iii) sub-paragraph (b) at the end there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (d) in Article 54(5)(a) the word “and” were omitted;
- (e) Article 54(5)(b) were omitted.

18. Article 62(1) (evidence of agreement and consent) applies as if—

- (a) for “this Order” there were substituted “section 54 or section 54A of the Human Fertilisation and Embryology Act 2008 (as the case may be)”;
- (b) “adoption” were omitted.

19. Article 63(b)(1) and (2) (evidence of adoptions, etc.) applies as if—

- (a) in paragraph (1) for “Adopted Children Register” there were substituted “Parental Order Register”;
- (b) in paragraph (1)(a) for “adoption” there were substituted “parental order”;
- (c) in paragraph (1)(b) for “adopted person” there were substituted “person who is the subject of the parental order”; and
- (d) in Article 63(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 4 of and Schedule 3 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.

20. Article 64(a)(3) (removal of proceedings and appeals) applies 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 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 3 of and Schedule 2 to the Parental Order Regulations”.

21. Article 65 (proceedings to be in private) applies as if for “under Part III, Article 30 and Article 57” there were substituted “pursuant to section 54 and section 54A of the Human Fertilisation and Embryology Act 2008”.

22. Article 66(b) (guardians ad litem) applies as if—

- (a) in Article 66(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 Article 66(2)(a) the word “adoption” were omitted; and
- (c) after Article 66(2)(a) there were inserted—

“(aa) shall be appointed from any panels of persons established by regulations made under Article 66 of the Adoption (Northern Ireland) Order 1987; and”.

23. Article 68(c) (regulations) applies without modification.

24. Schedule 2 (form of entry in Adopted Children Register) applies 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 3

Regulation 4

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

1. The provisions of the 2007 Act set out in the following paragraphs apply subject to the modifications specified in those paragraphs.

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

- (a) the words “or adoption agency” were omitted on each occasion they appear;
- (b) in section 14(1) after “to (4)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (c) if in section 14(1) for “the adoption of a child” there were substituted “an application for a parental order”; and
- (d) in section 14(4)(d) for “an adoption order” there were substituted “a parental order”.

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

- (a) for the words “prospective adopters” on each occasion they appear there were substituted “applicants or applicant (as the case may be)”;

(a) Article 64 has been amended, but those amendments are not relevant to this instrument.

(b) Article 66 was substituted by paragraph 166 of Schedule 9 to S.I. 1995/755.

(c) Article 68 has been amended, but those amendments are not relevant to this instrument.

- (b) in section 22(1)—
 - (i) after “Subsection (2)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
 - (ii) for “an adoption order” there were substituted “a parental order”;
 - (iii) paragraph (b) were omitted;
- (c) in section 22(2) after “subsection (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (d) in section 22(3) after “This subsection” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (e) in section 22(4) after “this section” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.

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

- (a) in section 24(3)(a) for “an adoption order or a permanence order” there were substituted “a parental order”; and
- (b) in section 24(4)—
 - (i) in paragraph (a) for “sections 20, 21, 22 and 23” there were substituted “section 22 as applied with modifications by regulation 4 of and Schedule 3 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 3 of and Schedule 2 to the Parental Order Regulations”.

5. Section 27(1) (contravention of sections 30 to 36 of 2002 Act) applies as if in section 27(1) 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) applies in accordance with the following paragraphs.

(2) Except as provided for in paragraph (3), section 28 applies as if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”.

(3) Section 28(1) applies 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) for 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) applies as if for “adopted” there were substituted “the subject of a parental order”.

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

- (a) for “an adoption order” there were substituted “a parental order”; and
- (b) for “falling within subsection (3)” there were substituted “for a parental order”.

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

- (a) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;

- (b) in subsection (1)—
 - (i) the words from “Where an adoption” to “section 30,” were omitted;
 - (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 4 of and Schedule 3 to the Parental Order Regulations”.

9. Section 40(1) to (3), (5), (6) and (10) (status conferred by adoption) applies 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) for “Subsections (3) and (4) do” there were substituted—

“Subsection (3) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations does”;
- (e) for subsection (6) there were substituted—

“(6) This section as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations is without prejudice to sections 54(1) and 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 an applicant for an order under either of those sections) and has effect from the date on which the court makes the parental order.”; and
- (f) in subsection (10)—
 - (i) after “Chapter” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
 - (ii) for the word “adoption” on each occasion it appears there were substituted “making of the parental order”.

10. Section 41 (miscellaneous enactments) applies 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 4 of and Schedule 3 to the Parental Order Regulations, the child 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 incest, as if—

 - (a) that child were the child of the person or persons who obtained the order, and
 - (b) that child were also the child of any other person who, prior to the making of the parental order, was the mother or father.”; and

- (b) in subsection (2)—
 - (i) for “adopter” there were substituted “person or persons who obtained the order”;
 - (ii) for “an adoption order” there were substituted “a parental order”; and
 - (iii) for “adopted” there were substituted “who is subject to the order”.

11. Section 42 (pensions) applies as if—

- (a) after “Section 40” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 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 (insurance) applies as if—

- (a) for the words “adoptive parents” on each occasion they appear there were substituted “person or persons who obtained the parental order”; and
- (b) in subsection (1)—
 - (i) after “Subsections (2) and (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
 - (ii) for “is adopted” there were substituted “becomes the subject of a parental order”; and
 - (iii) for “adoption” there were substituted “parental order”.

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

- (a) for the words “Adopted Children Register” on each occasion 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 4 of and Schedule 3 to the Parental Order Regulations”;
- (d) in subsection (4)—
 - (i) after “Schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
 - (ii) for “adoptions” and for “adoption orders” there were substituted “parental orders”.

14. Section 54 (searches and extracts) applies as if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”.

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

- (a) in subsection (1)—
 - (i) after “schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
 - (ii) for “marked “Adopted”” there were substituted “marked “Parental Order””;
 - (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 4 of and Schedule 3 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 4 of and Schedule 3 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—
 - “(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”).”;

(iii) 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 4 of and Schedule 3 to the Parental Order Regulations, the person must—

(a) be informed about the availability of any counselling 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) applies as if—

(a) for the words “Adopted Children Register” on each occasion 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 4 of and Schedule 3 to the Parental Order Regulations”;

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

(c) in subsection (2) for “adopted person” there were substituted “person who is subject to the parental order”.

17. Section 57 (interpretation of chapter 5) applies 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 4 of and Schedule 3 to the Parental Order Regulations,”; and

(b) in subsection (2) after “or schedule 1” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.

18. Section 58(1), (2), (6) and (10) (restriction on bringing children into the United Kingdom) applies as if—

(a) in subsection (1)—

(i) in paragraph (a) for “adoption” there were substituted “applying for a parental order”;

(ii) paragraph (b) were omitted;

(b) in subsection (2)—

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

(ii) for the words “adoption, or a child adopted,” on each occasion they appear there were substituted “applying for a parental order”; and

(c) in subsection (10)—

(i) for “Scottish Ministers” there were substituted “Secretary of State”; and

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

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

“(1) A parental order made in England and Wales has the same effect as an order under section 46(1) 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) applies 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”;
 - (ii) in paragraph (b) for “adoption” there were substituted “the parental order”; and
- (b) in section 108(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) applies as if in section 109(1) for “relating to applications under any of the provisions mentioned in subsection (2)” there were substituted “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 4 of and Schedule 3 to the Parental Order Regulations”.

22. Section 111 (evidence of consent) applies 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 an order may be given in writing and, if a document signifying agreement or consent”.

23. Section 113 (admissibility of certain documents as evidence) applies 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 3 of and Schedule 2 to the Parental Order Regulations”.

24. Section 114(1) to (4) (rules of procedure) apply as if—

- (a) in subsection (1)—
 - (i) after “this Act” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
 - (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 section 114(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 4 of and Schedule 3 to the Parental Order Regulations, to be notified of the matters mentioned in subsection (4).”;
- (c) for section 114(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(8) of the 2008 Act.”.

25. Section 117(a) (orders and regulations) applies as if—

- (a) for the words “Scottish Ministers” on each occasion they appear there were substituted “Secretary of State”;
- (b) after the words “this Act” on each occasion they appear there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (c) in subsection (4)—

(a) Section 117 has been amended, but those amendments are not relevant to this instrument.

- (i) after “subsection (5),” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (ii) “(other than an order under section 121)” were omitted and 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 made under paragraphs 1(1) or 7(4) and (11) of Schedule 1 as applied with modifications by regulation 4 of and Schedule 3 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 4 of and Schedule 3 to the Parental Order Regulations”.

26. Section 118 (meaning of “appropriate court”) applies as if—

- (a) in subsection (1) after “this Act” on each occasion those words appear there were inserted “as applied with modifications by regulation 4 of and Schedule 3 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(a)(1) (interpretation) applies as if—

- (a) after “this Act,” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 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 3 of and Schedule 2 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 Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018,”.

28. Schedule 1, paragraphs 1, 2 and 4 (registration of adoption orders) apply as if—

- (a) for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
- (b) for the words “adoption order” on each occasion they appear there were substituted “parental order”;
- (c) in paragraph 1(2) after “sub-paragraph (1)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
- (d) in paragraph 2(1)—

(a) Section 119 was amended by paragraph 11 of Schedule 5 to the Children and Young People (Scotland) Act 2014 (asp 8).

- (i) after “sub-paragraph (2)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (ii) paragraph (b) were omitted; and
- (e) in paragraph 2(2) for “word “Adopted”” there were substituted “words “Parental Order””.

29. Schedule 1, paragraph 5 (registration of adoptions in other parts of the British Islands) applies as if—

- (a) for paragraph 5(1) there were substituted—
 - “(1) Sub-paragraph (2), as applied with modifications by regulation 4 of and Schedule 3 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 an order has been made in that part in respect of a child”;
- (b) in paragraph 5(2) for—
 - (i) “Adopted Children Register” there were substituted “Parental Order Register”; and
 - (ii) “word “Adopted”” there were substituted “words “Parental Order””;
- (c) paragraph 5(3) were omitted;
- (d) in paragraph (4) for "subparagraphs (2) and (3)" there were substituted "sub-paragraph (2) as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations";
- (e) in paragraph 5(5) after “sub-paragraph (4)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (f) paragraph 5(6) were omitted.

30. Schedule 1, paragraph 7 (amendment of orders and rectification of registers) applies as if—

- (a) for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;
- (b) for the words “adopted person” on each occasion they appear there were substituted “person who is the subject of the parental order”;
- (c) for the word “adopter” on each occasion it appears there were substituted “person or persons who obtained the order”;
- (d) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
- (e) in paragraph 7(3)—
 - (i) “or 3” were omitted;
 - (ii) after "paragraph 2" there were inserted "as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations";
- (f) in paragraph 7(4) after “subparagraphs (1) to (3)” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (g) paragraphs 7(9) and 7(10) were omitted.

31. Schedule 1, paragraph 8 (marking of entries on re-registration of birth) applies as if—

- (a) after “this Act” there were inserted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; and
- (b) in paragraph 8(a) for “or 6” there were substituted “as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.

References in Enactments to be Read as References to Parental Orders etc

Modification of the Marriage Act 1949

1. Schedule 1 to the Marriage Act 1949(a) (kindred and affinity) is to be read as if any reference to an adoptive relationship (however expressed) includes a reference to the corresponding relationship arising by virtue of a parental order.

Modification of the Succession (Scotland) Act 1964

2. Section 37(1) of the Succession (Scotland) Act 1964(b) (exclusion of certain matters from operation of Act) is to be read as if the reference to the 2007 Act includes a reference to the 2007 Act, as applied with modifications by these Regulations.

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

3. Section 39E(5) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(c) (abbreviated extracts) is to be read as if the reference to—

- (a) the Adopted Children Register includes a reference to the Parental Order Register maintained by the Registrar General under section 53(1) of the 2007 Act, as applied with modifications by these Regulations; and
- (b) adoption includes a reference to a parental order.

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

Modification of the Births and Deaths Registration (Northern Ireland) Order 1976

5. Article 37 of the Births and Deaths Registration (Northern Ireland) Order 1976(d) (registration or alteration of child's name) is to be read as if the references to the Adoption (Northern Ireland) Order 1987 and the Adopted Children Register maintained by the Registrar General under Article 50 of that Order include a reference to—

- (a) the Adoption (Northern Ireland) Order, as applied with modifications by these Regulations; and
- (b) the Parental Order Register maintained by the Registrar General under Article 50 of that Order, as applied with modifications by these Regulations.

Modification of the Marriage (Scotland) Act 1977

6. Schedule 1 to the Marriage (Scotland) Act 1977(e) (degrees of relationship) is to be read as if any reference to an adoptive relationship (however expressed) includes a reference to the corresponding relationship arising by virtue of a parental order.

(a) 1949 c. 76. Schedule 1 was substituted by paragraph 17 of Schedule 2 to the Civil Partnership Act 2004.
(b) 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.
(c) 1965 c. 49. Section 39E was inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and was amended by paragraph 1 of Schedule 1 to SSI 2010/21. Section 43 was amended, but those amendments are not relevant to this instrument.
(d) 1976 No 1041. Article 37 was amended by section 16 of the Civil Registration Act (Northern Ireland) 2011 (c. 20).
(e) 1977 c. 15. Schedule 1 was substituted by the Marriage and Civil Partnership (Scotland) Act 2014 (2014 asp 5).

Modification of the Adoption (Scotland) Act 1978

7. Section 41(1) of the Adoption (Scotland) Act 1978(a) (miscellaneous enactments) is to be read as if—

- (a) the reference to an adoption order includes a reference to a parental order; and
- (b) the reference to the adopter includes a reference to—
 - (i) one of the persons who obtained the parental order in the case of a parental order under section 54 of the 2008 Act; or
 - (ii) the person who obtained the parental order in the case of a parental order under section 54A of the 2008 Act.

Modification of the British Nationality Act 1981

8. Section 1(5)(a) and (5A)(a) of the British Nationality Act 1981(b) (acquisition by birth or adoption) is to be read as if—

- (a) the reference to an order authorising the adoption of a minor includes a reference to a parental order in respect of a minor; and
- (b) reference to the adopter or, in the case of a joint adoption, one of the adopters includes a reference to—
 - (i) one of the persons who obtained the parental order in the case of a parental order under section 54 of the 2008 Act; or
 - (ii) the person who obtained the parental order in the case of a parental order under section 54A of the 2008 Act.

Modification of the Senior Courts Act 1981 (Distribution of Business in High Court: Family Division)

9. Paragraph 3 of Schedule 1 to the Senior Courts Act 1981(c) (Distribution of Business in High Court: Family Division) is to be read as if references to causes and matters relating to adoption include a reference to proceedings under any provision of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of, and Schedule 1 to, these Regulations.

Modification of the Foster Children (Scotland) Act 1984

10. Section 2(5)(a) of the Foster Children (Scotland) Act 1984(d) (exceptions to section 1) is to be read as if 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 includes a reference to a child being in the care of a person or persons who propose to apply for a parental order in respect of that child.

Modification of the Child Abduction and Custody Act 1985

11. Paragraph 5(vii) of Schedule 3 to the Child Abduction and Custody Act 1985(e) (Custody Orders: Scotland) is to be read as if the reference to an adoption order includes a reference to a parental order.

(a) 1978 c. 28. 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. Amendments have been made to paragraph 1 of Schedule 1 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.

(e) 1985 c. 60. Paragraph 5 was added by paragraph 1 of Schedule 1 to S.I. 2013/1465.

Modification of the Family Law Act 1986

12. Section 1(1)(b)(x) of the Family Law Act 1986(a) (child custody) is to be read as if the reference to an adoption order includes a reference to a parental order.

Modification of the Children Act 1989

13. Paragraph 5 of Schedule 8 to the Children Act 1989(b) (privately fostered children: exemptions) is to be read as if 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 includes a reference to a child being in the care of a person or persons who propose to apply for a parental order in respect of that child.

Modification of the Human Fertilisation and Embryology Act 1990

14. Sections 27(2) (meaning of mother) and 28(5)(c) (meaning of father) of the Human Fertilisation and Embryology Act 1990(c) are to be read as if references to adoption included references to a parental order.

Modification of the Judicial Pensions and Retirement Act 1993

15. Section 6(2)(c) and (d), (5) and (7)(b) and (c) of the Judicial Pensions and Retirement Act 1993(d) (grant and payment of a children's pension) is to be read as if—

- (a) the references to adopted children include children in respect of whom a parental order has been made; and
- (b) the reference to the intention of adopting the child includes a reference to the intention of applying for a parental order in respect of a child.

Modification of the Civil Evidence (Family Mediation) (Scotland) Act 1995

16. Section 2(1)(d)(iii) of the Civil Evidence (Family Mediation) (Scotland) Act 1995(e) (exceptions to the general rule of inadmissibility) is to be read as if the reference to an adoption order includes a reference to a parental order.

Modification of the Children (Northern Ireland) Order 1995

17. Paragraph (7)(a) of Article 107 of the Children (Northern Ireland) Order 1995(f) (privately fostered children further defined) is to be read as if 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 includes a reference to a child being in the care of persons who propose to apply for a parental order in respect of that child.

Modification of the Sexual Offences Act 2003

18. Sections 64 and 65 of the Sexual Offences Act 2003(g) (sex with an adult relative: penetration) are to be read as if the reference to an adoptive relationship (however expressed) includes a reference to the corresponding relationship arising by virtue of a parental order.

-
- (a) 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.
 - (b) 1989 c.41. Paragraph 5 of Schedule 8 was amended by section 14 and paragraph 23 of Schedule 3 to the Adoption and Children Act 2002 and paragraph 3 of Schedule 1 to S.I. 2011/1740.
 - (c) 1990 c. 37. Section 27 was amended by paragraph 77 of Schedule 3 of the Adoption and Children Act 2002.
 - (d) 1993 c. 8.
 - (e) 1995 c. 6. Section 2 has been amended, but those amendments are not relevant to this instrument.
 - (f) S. I. 1995/755. Article 107 has been amended by paragraph 17 of Schedule 1 to S.I. 2011/1740.
 - (g) 2003 c. 42. Section 64 was amended by paragraph 5 of Schedule 15 to the Criminal Justice and Immigration Act 2008 (c. 4).

Modification of the Civil Partnership Act 2004

19. Schedule 1 (prohibited degrees of relationship: England and Wales) and Schedule 10 (forbidden degrees of relationship: Scotland) to the Civil Partnership Act 2004(a) are to be read as if any reference to an adoptive relationship (however expressed) includes a reference to the corresponding relationship arising by virtue of a parental order.

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

20. Section 58(2)(k) of the Local Electoral Administration and Registration Services (Scotland) Act 2006(b) (issuing of other material kept or held by Registrar General) is to be read as if the references to the Adopted Children Register and to any register or book include 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 these Regulations.

Modification of the 2008 Act

21. Sections 33(2) (meaning of mother) and 38(4) (further provision relating to sections 35 and 36) of the 2008 Act are to be read as if the references to adoption include a reference to a parental order.

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.

Regulation 2, and Schedule 1, make modifications to the Adoption and Children Act 2002 in relation to parental orders as they have effect in relation to adoption orders.

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

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

(a) 2004 c. 33. Schedule 10 was substituted by the Marriage and Civil Partnerships Act (Scotland) 2014, and was amended by S.I. 2015/396.

(b) 2006 asp 14. Section 58 was amended by paragraph 7 of Schedule 1 to SSI 2010/21.