

Statutory Document No. 2024/0190



Adoption Act 2021

ADOPTION ACT 2021 (APPOINTED DAY) ORDER 2024

Laid before Tynwald:

16 July 2024

The Department of Health and Social Care makes the following Order under section 2 of the Adoption Act 2021.

PART 1

INTRODUCTORY

1 Title

This Order is the Adoption Act 2021 (Appointed Day) Order 2024.

2 Interpretation

In this Order —

“**the 1984 Act**” means the *Adoption Act 1984*;

“**the 2021 Act**” means the *Adoption Act 2021*;

“**the 1985 Regulations**” means the Adoption Societies Regulations 1985¹;

“**the appointed day**” means 1 July 2024;

“**Hague Convention country**” means a country or territory in which the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993, is in force.

¹ GC 284/85

PART 2

COMMENCEMENT

3 Commencement of the Adoption Act 2021

The following provisions of the *Adoption Act 2021* come into operation on the appointed day, —

- (a) sections 3 to 71;
- (b) section 72 but not subsection (1)(c) or (2);
- (c) section 73 but not subsection (5);
- (d) sections 74 to 76;
- (e) section 77 but not paragraph (d);
- (f) sections 78 to 92;
- (g) sections 112 to 118;
- (h) section 119 but not to the extent it refers to section 104;
- (i) section 120 to 126;
- (j) section 127 (repeal of the 1984 Act) (but see Part 3);
- (k) Schedule 1 but, —
 - (i) not paragraph 1(2) and (3) or paragraph 3 of that Schedule; and
 - (ii) not to the extent it refers to the paragraphs mentioned in sub-paragraph (i) or sections 96 or 104;
- (l) Schedule 2;
- (m) Schedule 3 but not paragraphs 4 or 6;
- (n) Schedule 4.

PART 3

INCIDENTAL, TRANSITIONAL AND TRANSITORY PROVISIONS

4 Incidental: general

- (1) Despite the repeal of the 1984 Act (referred to in article 3(j)) that Act, shall continue to apply as set out in this article.
- (2) The 1984 Act, as modified by Schedule 4 to the 2021 Act, shall continue to apply —
 - (a) to an application for an adoption order made under the 1984 Act before the appointed day but not disposed of before that day;

- (b) to a child in respect of whom notice has been given to the Department of Health and Social Care by virtue of section 7 of the 1984 Act, and an application for an adoption order —
 - (i) has been made under that Act before the appointed day; and
 - (ii) not disposed of before that day;
 - (c) to a child who was, immediately before the appointed day, a protected child, (and such a child shall remain a protected child for the purposes of the 1984 Act),
- and, for these purposes, the following remain in operation —
- (i) the Registration of Foreign Adoption Regulations 2003²;
 - (ii) the Adoption (Hague Convention) Regulations 2003³;
 - (iii) the Adoption (Overseas Adoptions) Order 1985⁴ as amended by the Adoption (Overseas Adoptions) (Amendment) Order 1993⁵; and
 - (iv) the 1985 Regulations.
- (3) The 1984 Act shall continue to apply for the purposes of the *Children and Young Persons Act 2001* (see sections 16, 32, 38, 57, 89 and 102 of, and paragraph 6(6) of Schedule 2 to, that Act).
 - (4) The 1984 Act shall continue to apply for the purposes of the *Gender Recognition Act 2009* (see paragraph 10 of Schedule 1 to that Act).

5 Incidental: further

- (1) This article does not limit article 4.
- (2) Where, before the appointed day, an adoption panel has considered, —
 - (a) whether or not adoption by a person habitually resident in a Hague Convention country outside the Island is in the best interests of the child; or
 - (b) whether a prospective adopter is suitable to adopt a child,and no decision on that question has been made by the adoption panel before the appointed day, the Adoption (Hague Convention) Regulations 2003⁶ shall continue to apply for the purposes of making that decision.
- (3) Nothing in the 2021 Act affects any application under section 41 (annulment, etc. of overseas adoptions) or 43 (adoption of children abroad) of the 1984 Act, where the application under section 41 or, as the

² SD 403/03.

³ SD 176/03.

⁴ GC 278/85.

⁵ SD 469/93.

⁶ SD 176/03.

case may be, section 43 has been made and has not been disposed of immediately before the appointed day.

6 Transitional

- (1) This article applies where immediately before the appointed day, a person (P) was receiving (or was entitled to receive) a service pursuant to section 14 of the 1984 Act (adoption service).
- (2) P shall, as from the appointed day, receive (or be entitled to receive as the case may be), a service pursuant to Part 2 of the 2021 Act (the adoption service).

7 Transitory

Despite the repeal of the 1984 Act (referred to in article 3(j)), until the day appointed under section 2 of the 2021 Act for the coming into operation of —

- (a) paragraph 1(2) and (3) (registration of adoption orders) of Schedule 1 to that Act (registration of adoptions) of that Act; and
- (b) paragraph 3 (registration of other adoptions) of that Schedule, paragraph 1(3) and (4) (registration of adoption orders) and paragraph 3 (registration of foreign adoptions) of Schedule 2 to the 1984 Act (registration of adoptions) continue to have effect.

MADE **28 JUNE 2024**

LAWRIE HOOPER
Minister for Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation specified provisions of the Adoption Act 2021.

This Order also makes incidental, transitional and transitory provision. The incidental provisions save certain Regulations and Orders made under the Adoption Act 1984 notwithstanding the repeal of most of that Act by this Order. The transitional provision relates to “adoption services” and the transitory provision to notations on adoption registers.