



## 2001 CHAPTER 11

### *Intercountry adoptions*

#### **Adoption Service to include intercountry adoptions etc.**

7. In Article 3 of the 1987 Order (Adoption Service), after paragraph (2) there shall be inserted the following paragraph—

“(2A) In this Part references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the United Kingdom, the Channel Islands and the Isle of Man.”.

#### **Registration of adoption societies to provide intercountry adoption services**

8. In Article 4 of the 1987 Order (registration of adoption societies)—

(a) in paragraph (3)(a), after the words “may register the applicant” there shall be added the words “so it may act either—

(i) in relation to facilities provided in respect of adoptions other than those mentioned in paragraph (3A); or

(ii) in relation to facilities provided in respect of any adoptions, including those mentioned in paragraph (3A)”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) The adoptions referred to in paragraph (3)(a)(i) and (ii) are—

(a) a Convention adoption;

(b) an adoption effected by a Convention adoption order;

(c) an overseas adoption;

- (d) an adoption of a child habitually resident in the United Kingdom, the Channel Islands or the Isle of Man which is not a Convention adoption and is effected under the law of a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man; and
- (e) an adoption of a child habitually resident outside the United Kingdom, the Channel Islands or the Isle of Man which is effected by an adoption order other than a Convention adoption order.”.

### **Six months residence required for certain intercountry adoptions**

9. In Article 13 of the 1987 Order (child to live with adopters before order made), after paragraph (3) there shall be added the following paragraph—

“(4) In relation to—

- (a) an adoption proposed to be effected by a Convention adoption order; or
- (b) an adoption of a child habitually resident outside the United Kingdom, the Channel Islands and the Isle of Man which is proposed to be effected by an adoption order other than a Convention adoption order,

paragraph (1) shall have effect as if the reference to the preceding 13 weeks were a reference to the preceding 6 months.”.

### **Registration of certain intercountry adoptions**

10.—(1) In Article 50 of the 1987 Order (Adopted Children Register), in paragraph (1)(a) for the words from “shall be made” to “no other entries” there shall be substituted the following words “such entries as may be—

- (i) directed to be made in it by adoption orders, or
- (ii) required to be made under Article 53,

and no other entries, shall be made”.

(2) In Article 53 of that Order (registration of adoptions made outside Northern Ireland)—

- (a) after paragraph (3) there shall be inserted the following paragraphs—

“(3A) If the Registrar General is satisfied, on an application under this paragraph, that he has sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry in the form set out in Schedule 2 to be made in the Adopted Children Register for the child—

- (a) he shall make the entry accordingly; and

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*Status: This is the original version (as it was originally enacted).*

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(b) if he is also satisfied that an entry in the Register of Births relates to the child, he shall mark the entry “Adopted” or “Re-adopted”, as the case may be, followed by the name in brackets of the country in which the adoption was effected.

(3B) An application under paragraph (3A) shall be made, in the prescribed manner, by a prescribed person and give the prescribed particulars.

(3C) If the Registrar General is satisfied—

(a) that a Convention adoption, a Convention adoption order or an overseas adoption has ceased to have effect, whether on annulment or otherwise; or

(b) that any entry or mark was erroneously made in pursuance of paragraph (3A) in any register mentioned in that paragraph,

he may cause such alterations to be made in any such register as he considers are required in consequence of the cesser or to correct the error; and where an entry in such a register is amended in pursuance of this paragraph, any copy or extract of the entry shall be deemed to be accurate if and only if it shows the entry as amended but without indicating that it has been amended.

(3D) In this Article “registrable foreign adoption” means a Convention or overseas adoption which satisfies prescribed requirements.”;

(b) in paragraph (4) for the words “and (3)” there shall be substituted the words “, (3) and (3C)”.

### **Construction of certain references**

**11.** In Article 2 of the 1987 Order (interpretation), after paragraph (3) there shall be inserted the following paragraphs—

“(3A) In this Order, in relation to the proposed adoption of a child resident outside the United Kingdom, the Channel Islands and the Isle of Man, references to arrangements for the adoption of a child include references to arrangements for an assessment for the purpose of indicating whether a person is suitable to adopt a child or not.

(3B) In this Order, in relation to—

(a) an adoption proposed to be effected by a Convention adoption order; or

(b) an adoption of a child habitually resident outside the United Kingdom, the Channel Islands and the Isle of Man which is proposed to be effected by an adoption order other than a Convention adoption order,

references to a child placed with any persons by an adoption agency include references to a child who, in pursuance of arrangements made by such an agency, has been adopted by or placed with those persons under the law of a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man.”.