



# Adoption (Intercountry Aspects) Act 1999

## 1999 CHAPTER 18

### *Miscellaneous and supplemental*

#### **14 Restriction on bringing children into the United Kingdom for adoption**

The following provision shall be inserted after section 56 of the 1976 Act as section 56A and after section 50 of the 1978 Act as section 50A—

##### **. Restriction on bringing children into the United Kingdom for adoption**

- (1) A person habitually resident in the British Islands who at any time brings into the United Kingdom for the purpose of adoption a child who is habitually resident outside those Islands shall be guilty of an offence unless such requirements as may be prescribed by regulations made by the Secretary of State are satisfied either—
  - (a) before that time; or
  - (b) within such period beginning with that time as may be so prescribed.
- (2) Subsection (1) does not apply where the child is brought into the United Kingdom for the purpose of adoption by a parent, guardian or relative.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.
- (4) Proceedings for an offence under this section may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this subsection more than three years after the commission of the offence.”

## **15 Amendments and repeals**

- (1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 3 to this Act are repealed to the extent specified in that Schedule.

## **16 Devolution**

- (1) Any function of the Secretary of State under section 1 or 18(3), or section 17 or 56A of the 1976 Act, is exercisable only after consultation with the National Assembly for Wales.
- (2) For the purposes of the Scotland Act 1998, any provision of this Act which extends to Scotland is to be taken to be a pre-commencement enactment within the meaning of that Act.

## **17 Savings for adoptions etc. under 1965 Convention**

- (1) In relation to—
  - (a) a 1965 Convention adoption order or an application for such an order; or
  - (b) a 1965 Convention adoption,the 1976 and 1978 Acts shall have effect without the amendments made by sections 3 to 6 and 8 and Schedule 2 to this Act and the associated repeals made by Schedule 3 to this Act.
- (2) In subsection (1) in its application to the 1976 or 1978 Act—

“1965 Convention adoption order” has the meaning which “Convention adoption order” has in that Act as it has effect without the amendments and repeals mentioned in that subsection;

“1965 Convention adoption” has the meaning which “regulated adoption” has in that Act as it so has effect.

## **18 Short title, interpretation, commencement and extent**

- (1) This Act may be cited as the Adoption (Intercountry Aspects) Act 1999.
- (2) In this Act—

“the 1976 Act” means the Adoption Act 1976;

“the 1978 Act” means the Adoption (Scotland) Act 1978;

“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.
- (3) This Act, except this section, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed for different purposes.
- (4) Subject to subsection (5), this Act extends to Great Britain only.
- (5) Any amendment of an enactment which extends to any other part of the British Islands or any colony also extends to that part or colony.