

Status: Point in time view as at 30/12/2005.

Changes to legislation: Adoption and Children Act 2002, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 77(6)

REGISTRATION OF ADOPTIONS

Registration of adoption orders

- 1 (1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Registrar General with the approval of the Chancellor of the Exchequer.
- (2) Where, on an application to a court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the registers of live-births or other records relates is proved to the satisfaction of the court, any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register or, as the case may be, record in question is marked with the word “Adopted”.
- (3) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in England or Wales under Part 1 of this Act or any other enactment—
 - (a) sub-paragraph (2) does not apply, and
 - (b) the order must contain a direction to the Registrar General to mark the previous entry in the Adopted Children Register with the word “Re-adopted”.
- (4) Where an adoption order is made, the prescribed officer of the court which made the order must communicate the order to the Registrar General in the prescribed manner; and the Registrar General must then comply with the directions contained in the order.

“Prescribed” means prescribed by rules.

Commencement Information

- I1** Sch. 1 para. 1 in force at 7.12.2004 for specified purposes by S.I. 2004/3203, art. 2(1)(m)(vi)
- I2** Sch. 1 para. 1 in force at 30.12.2005 in so far as not already in force by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands

- 2 (1) Sub-paragraphs (2) and (3) apply where the Registrar General is notified by the authority maintaining a register of adoptions in a part of the British Islands outside England and Wales that an order has been made in that part authorising the adoption of a child.

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- (2) If an entry in the registers of live-births or other records (and no entry in the Adopted Children Register) relates to the child, the Registrar General must secure that the entry is marked with—
 - (a) the word “Adopted”, followed by
 - (b) the name, in brackets, of the part in which the order was made.
- (3) If an entry in the Adopted Children Register relates to the child, the Registrar General must mark the entry with—
 - (a) the word “Re-adopted”, followed by
 - (b) the name, in brackets, of the part in which the order was made.
- (4) Where, after an entry in either of the registers or other records mentioned in sub-paragraphs (2) and (3) has been so marked, the Registrar General is notified by the authority concerned that—
 - (a) the order has been quashed,
 - (b) an appeal against the order has been allowed, or
 - (c) the order has been revoked,
 the Registrar General must secure that the marking is cancelled.
- (5) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under sub-paragraph (4), is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

Commencement Information

- I3** Sch. 1 para. 2 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Registration of other adoptions

- 3 (1) 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 to be made in the Adopted Children Register for the child he must make the entry accordingly.
- (2) If he is also satisfied that an entry in the registers of live-births or other records relates to the child, he must—
 - (a) secure that the entry is marked “Adopted”, followed by the name, in brackets, of the country in which the adoption was effected, or
 - (b) where appropriate, secure that the overseas registers of births are so marked.
- (3) An application under this paragraph must be made, in the prescribed manner, by a prescribed person and the applicant must provide the prescribed documents and other information.
- (4) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the prescribed form.
- (5) In this Schedule “registrable foreign adoption” means an adoption which satisfies prescribed requirements and is either—
 - (a) adoption under a Convention adoption, or
 - (b) adoption under an overseas adoption.

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- (6) In this paragraph—
- (a) “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Chancellor of the Exchequer,
 - (b) “overseas register of births” includes—
 - (i) a register made under regulations made by the Secretary of State under section 41(1)(g), (h) or (i) of the British Nationality Act 1981 (c. 61),
 - (ii) a record kept under an Order in Council made under section 1 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (c. 58) (other than a certified copy kept by the Registrar General).

Commencement Information

- I4** Sch. 1 para. 3 in force at 7.12.2004 for specified purposes by S.I. 2004/3203, art. 2(1)(m)(vi)
- I5** Sch. 1 para. 3 in force at 30.12.2005 in so far as not already in force by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Amendment of orders and rectification of Registers and other records

- 4 (1) The court by which an adoption order has been made may, on the application of the adopter or the adopted person, amend the order by the correction of any error in the particulars contained in it.
- (2) The court by which an adoption order has been made may, if satisfied on the application of the adopter or the adopted person that within the period of one year beginning with the date of the order any new name—
- (a) has been given to the adopted person (whether in baptism or otherwise), or
 - (b) has been taken by the adopted person,
- either in place of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or, as the case may be, adding that name in those particulars.
- (3) The court by which an adoption order has been made may, if satisfied on the application of any person concerned that a direction for the marking of an entry in the registers of live-births, the Adopted Children Register or other records included in the order in pursuance of paragraph 1(2) or (3) was wrongly so included, revoke that direction.
- (4) Where an adoption order is amended or a direction revoked under sub-paragraphs (1) to (3), the prescribed officer of the court must communicate the amendment in the prescribed manner to the Registrar General.
- “Prescribed” means prescribed by rules.
- (5) The Registrar General must then—
- (a) amend the entry in the Adopted Children Register accordingly, or
 - (b) secure that the marking of the entry in the registers of live-births, the Adopted Children Register or other records is cancelled,
- as the case may be.

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- (6) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court must give directions to the Registrar General to secure that—
- (a) any entry in the Adopted Children Register, and
 - (b) any marking of an entry in that Register, the registers of live-births or other records as the case may be, which was effected in pursuance of the order, is cancelled.
- (7) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to section 78(2)(b) must be a copy of the entry as amended, without the reproduction of—
- (a) any note or marking relating to the amendment, or
 - (b) any matter cancelled in pursuance of it.
- (8) A copy or extract of an entry in any register or other record, being an entry the marking of which has been cancelled, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.
- (9) If the Registrar General is satisfied—
- (a) that a registrable foreign 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 3 in the Adopted Children Register, the registers of live-births, the overseas registers of births or other records,
- he may secure that such alterations are made in those registers or other records as he considers are required in consequence of the adoption ceasing to have effect or to correct the error.
- “Overseas register of births” has the same meaning as in paragraph 3.
- (10) Where an entry in such a register is amended in pursuance of sub-paragraph (9), any copy or extract of the entry is not to be treated as accurate unless it shows the entry as amended but without indicating that it has been amended.

Commencement Information

16 Sch. 1 para. 4 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Marking of entries on re-registration of birth on legitimation

- 5 (1) Without prejudice to paragraphs 2(4) and 4(5), where, after an entry in the registers of live-births or other records has been marked in accordance with paragraph 1 or 2, the birth is re-registered under section 14 of the Births and Deaths Registration Act 1953 (c. 20) (re-registration of births of legitimated persons), the entry made on the re-registration must be marked in the like manner.
- (2) Without prejudice to paragraph 4(9), where an entry in the registers of live-births or other records is marked in pursuance of paragraph 3 and the birth in question is subsequently re-registered under section 14 of that Act, the entry made on re-registration must be marked in the like manner.

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- I7** Sch. 1 para. 5 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

Cancellations in registers on legitimisation

- 6 (1) This paragraph applies where an adoption order is revoked under section 55(1).
- (2) The prescribed officer of the court must communicate the revocation in the prescribed manner to the Registrar General who must then cancel or secure the cancellation of—
- (a) the entry in the Adopted Children Register relating to the adopted person, and
 - (b) the marking with the word “Adopted” of any entry relating to the adopted person in the registers of live-births or other records.

“Prescribed” means prescribed by rules.

- (3) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under this paragraph, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

Commencement Information

- I8** Sch. 1 para. 6 in force at 30.12.2005 by S.I. 2005/2213, art. 2(e) (with savings and transitional provisions in S.I. 2005/2897, arts. 3-16)

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