

1973 No. 19

CHILDREN AND YOUNG PERSONS

The Adoption (Designation of Overseas Adoptions) Order 1973

<i>Made</i>	- - -	<i>1st January 1973</i>
<i>Laid before Parliament</i>		<i>12th January 1973</i>
<i>Coming into Operation</i>		<i>1st February 1973</i>

In exercise of the powers conferred on me by section 4(3) of the Adoption Act 1968(a), I hereby make the following Order:—

1. This Order may be cited as the Adoption (Designation of Overseas Adoptions) Order 1973 and shall come into operation on 1st February 1973.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) An adoption of an infant is hereby specified as an overseas adoption if it is an adoption effected in a place in relation to which this Article applies and under the law in force in that place.

(2) As respects any adoption effected before the date on which this Order comes into operation, this Article applies in relation to any place which, at that date, forms part of a country or territory described in Part I or II of the Schedule to this Order and as respects any adoption effected on or after that date, this Article applies in relation to any place which, at the time the adoption is effected, forms part of a country or territory which at that time is a country or territory described in Part I or II of the Schedule to this Order.

(3) In this Article the expression—

“infant” means a person who at the time when the application for adoption was made had not attained the age of 18 years and had not been married;

“law” does not include customary or common law.

4.—(1) Evidence that an overseas adoption has been effected may be given by the production of a document purporting to be—

(a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or

(b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by the law of the country or territory concerned to sign such a certificate, or a certified copy of such certificate.

(a) 1968 c. 53.

(b) 1889 c. 63.

(2) Where a document produced by virtue of paragraph (1) of this Article is not in English, the Registrar General or the Registrar General of Births, Deaths and Marriages for Scotland, as the case may be, may require the production of an English translation of the document before satisfying himself of the matters specified in section 8 of the Adoption Act 1968.

(3) Nothing in this Article shall be construed as precluding proof, in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(a), or the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(b), or otherwise, that an overseas adoption has been effected.

Robert Carr,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
1st January 1973.

(a) 1933 c. 4.

(b) 1963 c. 27.

SCHEDULE

PART I

COMMONWEALTH COUNTRIES AND UNITED KINGDOM DEPENDENT TERRITORIES

Australia	Malaysia
Bahamas	Malta
Barbados	Mauritius
Bermuda	Montserrat
Botswana	New Zealand
British Honduras	Nigeria
British Virgin Islands	Pitcairn
Canada	St. Christopher, Nevis and Anguilla
Cayman Islands	St. Vincent
The Republic of Cyprus	Seychelles
Dominica	Singapore
Fiji	Southern Rhodesia
Ghana	Sri Lanka
Gibraltar	Swaziland
Guyana	Tanzania
Hong Kong	Tonga
Jamaica	Trinidad and Tobago
Kenya	Uganda
Lesotho	Zambia
Malawi	

PART II

OTHER COUNTRIES AND TERRITORIES

Austria
Belgium
Denmark (including Greenland and the Faroes)
Finland
France (including Réunion, Martinique, Guadeloupe and French Guyana)
The Federal Republic of Germany and Land Berlin (West Berlin)
Greece
Iceland
The Republic of Ireland
Israel
Italy
Luxembourg
The Netherlands (including Surinam and the Antilles)
Norway
Portugal (including the Azores and Madeira)
South Africa and South West Africa
Spain (including the Balearics and the Canary Islands)
Sweden
Switzerland
Turkey
The United States of America
Yugoslavia

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order designates overseas adoptions for the purposes of the Adoption Act 1968. By section 4(1) and (2) of that Act an overseas adoption is treated as an adoption made under the Adoption Act 1958 (7 & 8 Eliz. 2, C.5) for the purpose of certain enactments (which relate to adopted children). Article 4 concerns the manner of proof of an overseas adoption.