



Adoption (Hague Convention) Act (Northern Ireland) 1969

1969 CHAPTER 22

MISCELLANEOUS AND GENERAL

8 Registration.

Para. (1) rep. by 2001 c. 11 (NI)

- (2) If the Registrar General is satisfied that an entry in the Register of Births relates to a person adopted under a foreign adoption and that he has sufficient particulars relating to that person to enable an entry in the form set out in^[F1] Schedule 2 to the Order of 1987], as modified by this subsection, to be made in the Adopted Children Register in respect of that person, he shall—
- (a) make such an entry in the Adopted Children Register; and
 - (b) if there is a previous entry in respect of that person in that register, mark the entry (or if there is more than one such entry the last of them) with the word “Re-adopted” followed by the name in brackets of the country in which the adoption was effected; and
 - (c) unless the entry in the Register of Births is already marked with the word “Adopted” (whether or not followed by other words), mark the entry with that word followed by the name in brackets of the country aforesaid;
- and for the purposes of this subsection the said^[F1] Schedule 2] shall have effect as if column 6 were headed “ Date and place of adoption ”.
- (3) If the Registrar General is satisfied—
- (a) that a convention adoption order or a 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 subsection (2) in any register mentioned in that subsection;

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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 subsection, 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.

- (4) Without prejudice to subsection (3), where an entry in the Register of Births is marked in pursuance of subsection (2) and the birth in question is subsequently re-registered under^[F2] Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976] (which provides for the re-registration of the birth of a legitimated person) the entry made on re-registration shall be marked in the like manner.

F1 [1987 NI 22](#)

F2 [1995 NI 2](#)

9 Nationality.

- (1) If by an order under^[F3] section 70(1) of the Adoption Act 1976] it is declared that a description of persons specified in the order has, in pursuance of the Convention, been notified to the Government of the United Kingdom as the description of persons who are deemed to possess the nationality of a particular convention country, persons of that description shall, subject to the following provisions of this section, be treated for the purposes of this Act as nationals of that country.
- (2) Subject to section 7(3) and subsection (3), where it appears to the court in any proceedings under this Act that a person is or was at a particular time a national of two or more countries, then—
- (a) if it appears to the court that he is or was then a United Kingdom national, he shall be treated for the purposes of those proceedings as if he were or had then been a United Kingdom national only;
 - (b) if, in a case if not falling within paragraph (a) above, it appears to the court that one only of those countries is or was then a convention country, he shall be treated for those purposes as if he were or had then been a national of that country only;
 - (c) if, in a case not falling within paragraph (a) above, it appears to the court that two or more of those countries are or were then convention countries, he shall be treated for those purposes as if he were or had been then a national of such one of those convention countries as the court considers is the country with which he is or was then most closely connected;
 - (d) in any other case, he shall be treated for those purposes as if he were or had then been a national of such one only of those countries as the court considers is the country with which he is or was then most closely connected.
- (3) In any proceedings brought in pursuance of section^[F4] 1 or 6] the court shall be entitled to disregard the provisions of subsection (2) in so far as it appears to the court appropriate to do so for the purposes of those proceedings; but nothing in this subsection shall be construed as prejudicing the provisions of section 7(3).
- (4) Where, after such enquiries as it considers appropriate, it appears to the court in any proceedings under this Act that a person has no nationality or no ascertainable nationality, he shall be treated for the purposes of those proceedings as a national of

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the country in which he resides or where that country is one of two or more countries having the same law of nationality, as a national of those countries.

F3 1995 NI 2

F4 1987 NI 22

10 Supplemental.

- (1) In any case where the internal law of a country falls to be ascertained for the purposes of this Act by the court and there are in force in that country two or more systems of internal law, the relevant system shall be ascertained in accordance with any rule in force throughout that country indicating which of the systems is relevant in the case in question or, if there is no such rule, shall be the system appearing to the court to be most closely connected with the case.

Subs. (2)-(4) rep. by 1987 NI 22

11 Rules

- (1) Provision in regard to any matter to be prescribed under this Act,^{F5} . . . , and dealing generally with all matters of procedure and incidental matters arising out of this Act^{F5} . . . and for carrying this Act^{F5} . . . into effect shall be made by rules of court.
- (2) Without prejudice to section 21 of the Interpretation Act (Northern Ireland) 1954 rules of court may provide—
- for applications for convention adoption orders to be heard and determined otherwise than in open court;
 - for excluding or restricting the jurisdiction of any court where an application for a convention adoption order^{F5} . . . or an adoption order^{F5} . . . has been refused by that or any other court.
- (3) The Lord Chief Justice may make rules with respect to any matter (not being a matter prescribed by rules under subsection (1) or (2)) with respect to which it appears to him to be necessary or expedient to make rules for giving due effect to the provisions of this Act.

F5 1987 NI 22

12 Interpretation.

In this Act—

Definition rep. by 1987 NI 22

[^{F6}“adoption order” means an order under Article 12(1) of the Order of 1987;

“British territory” means, for the purposes of any provision of this Act, any of the following countries, that is to say, Northern Ireland, Great Britain, the Channel Islands, the Isle of Man and a colony, which is a British territory for the purposes of any corresponding provision of the Adoption Act 1976;]

“the Convention” means the Convention mentioned in the preamble;

Definition rep. by 1987 NI 22

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[^{F6}“convention adoption order” means an adoption order made in accordance with section 1(1);]

“convention country” means any country[^{F6} outside British territory, being a country for the time being designated by an order made under section 72(1) of the Adoption Act 1976] as a country in which the Convention is in force;

“the court” means the High Court;

“internal law” in relation to any country means the law applicable in a case where no question arises as to the law in force in any other country;

“foreign adoption” has the meaning assigned to it by section 4(3);

“foreign convention adoption” has the meaning assigned to it by section 5(2);

[^{F6}“the Order of 1987” means the Adoption (Northern Ireland) Order 1987;]

“prescribed” means prescribed by rules;

Definitions rep. by 1987 NI 22

“reside” means habitually reside;

“rules” means rules made under section 11;

Definition rep. by 1987 NI 22

[^{F6}“specified order” means any provision for the adoption of a child effected under enactments similar to Article 12(1) of the Order of 1987 and section 1 of this act in force in^{F7}. . . any British territory outside the United Kingdom;]

“United Kingdom national” means, for the purposes of any provision of this Act, a citizen of the United Kingdom and Colonies satisfying such conditions, if any, as may be specified by an order made under[^{F7} section 72(1) of the Adoption Act 1976] for the purposes of any corresponding provision of that Act.

F6 1987 NI 22

F7 1995 NI 2

13 Short title and commencement.

(1) This Act may be cited as the Adoption (Hague Convention) Act (Northern Ireland) 1969.

(2) *Commencement*

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [2022 c. 18 \(N.I.\) Sch. 5](#)