



Adoption Act 1976

1976 CHAPTER 36

PART IV

STATUS OF ADOPTED CHILDREN

39 Status conferred by adoption.

- (1) An adopted child shall be treated in law—
 - (a) where the adopters are a married couple, as if he had been born as a child of the marriage (whether or not he was in fact born after the marriage was solemnized);
 - (b) in any other case, as if he had been born to the adopter in wedlock (but not as a child of any actual marriage of the adopter).
- (2) An adopted child shall, subject to [^{F1}subsections (3) and (3A)], be treated in law as if he were not the child of any person other than the adopters or adopter.
- (3) In the case of a child adopted by one of its natural parents as sole adoptive parent, subsection (2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

[^{F2}(3A) Where, in the case of a Convention adoption, the High Court is satisfied, on an application under this subsection—

- (a) that under the law of the country in which the adoption was effected the adoption is not a full adoption;
- (b) that the consents referred to in Article 4(c) and (d) of the Convention have not been given for a full adoption, or that the United Kingdom is not the receiving State (within the meaning of Article 2 of the Convention); and
- (c) that it would be more favourable to the adopted child for a direction to be given under this subsection,

the Court may direct that subsection (2) shall not apply, or shall not apply to such extent as may be specified in the direction.

Changes to legislation: Adoption Act 1976, Section 39 is up to date with all changes known to be in force on or before 16 May 2023. 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) View outstanding changes

In this subsection “full adoption” means an adoption by virtue of which the adopted child falls to be treated in law as if he were not the child of any person other than the adopters or adopter.

- (3B) The following provisions of the ^{M1}Family Law Act 1986—
- (a) section 59 (provisions relating to the Attorney General); and
 - (b) section 60 (supplementary provision as to declarations),
- shall apply in relation to, and to an application for, a direction under subsection (3A) as they apply in relation to, and to an application for, a declaration under Part III of that Act.]
- (4) It is hereby declared that this section prevents an adopted child from being illegitimate.
- (5) This section has effect—
- (a) in the case of an adoption before 1st January 1976, from that date, and
 - (b) in the case of any other adoption, from the date of the adoption.
- (6) Subject to the provisions of this Part, this section—
- (a) applies for the construction of enactments or instruments passed or made before the adoption or later, and so applies subject to any contrary indication; and
 - (b) has effect as respects things done, or events occurring, after the adoption, or after 31st December 1975, whichever is the later.

Textual Amendments

- F1** Words in s. 39(2) substituted (1.6.2003) by [Adoption \(Intercountry Aspects\) Act 1999 \(c. 18\), ss. 4\(2\), 18\(3\)](#) (with s. 17); [S.I. 2003/189, art. 2\(2\)\(c\)](#)
- F2** S. 39(3A)(3B) inserted (1.6.2003) by [Adoption \(Intercountry Aspects\) Act 1999 \(c. 18\), ss. 4\(3\), 18\(3\)](#) (with s. 17); [S.I. 2003/189, art. 2\(2\)\(c\)](#)

Marginal Citations

- M1** [1986 c. 55](#)

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

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#) (Amendment not applied to legislation.gov.uk. The relevant references were repealed before the amendment came into force.)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(6A)(6B) inserted by [1999 c. 18 s. 10](#) (This amendment not applied to legislation.gov.uk. S. 10 repealed (30.4.2003 for W., 1.6.2003 for E.) without ever being in force by 2000 c. 14, ss. 117(2), 122, Sch. 6; S.I. 2003/501, art. 2(3)(b); S.I. 2003/365, art. 3(6)(a))
- s. 13(4) inserted by [1999 c. 18 s. 11](#) (This amendment not applied to legislation.gov.uk. S. 11 ceases to have effect (E.W.) (30.12.2005) by virtue of 2002 c. 38, ss. 139, 148(1), Sch. 3 para. 95 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o))
- s. 52(1)(c) power to extend conferred by [2002 c. 38 Sch. 4 para. 16\(1\)\(a\)](#)
- s. 52(1A) inserted by [2002 c. 38 Sch. 4 para. 15\(a\)](#)
- s. 56(4)-(6) inserted by [2002 c. 38 Sch. 4 para. 11\(b\)](#)