



Adoption Act 1976

1976 CHAPTER 36

PART V

REGISTRATION AND REVOCATION OF ADOPTION ORDERS AND CONVENTION ADOPTIONS

53 Annulment etc. of overseas adoptions.

- (1) The High Court may, upon an application under this subsection, by order annul a regulated adoption [^{F1}or an adoption effected by a Convention adoption order]—
 - (a) on the ground that at the relevant time the adoption was prohibited by a notified provision, if under the internal law then in force in the country of which the adopter was then a national or the adopters were then nationals the adoption could have been impugned on that ground;
 - (b) on the ground that at the relevant time the adoption contravened provisions relating to consents of the internal law relating to adoption of the country of which the adopted person was then a national, if under that law the adoption could then have been impugned on that ground;
 - (c) on any other ground on which the adoption can be impugned under the law for the time being in force in the country in which the adoption was effected.
- (2) The High Court may, upon an application under this subsection—
 - (a) order that an overseas adoption or a determination shall cease to be valid in Great Britain on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case;
 - (b) decide the extent, if any, to which a determination has been affected by a subsequent determination.
- (3) Any court in Great Britain may, in any proceedings in that court, decide that an overseas adoption or a determination shall, for the purposes of those proceedings, be treated as invalid in Great Britain on either of the grounds mentioned in subsection (2).
- (4) An order or decision of the Court of Session on an application under subsection (3) of section 6 of the ^{M1}Adoption Act 1968 shall be recognised and have effect as if it

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Adoption Act 1976, Section 53 is up to date with all changes known to be in force on or before 03 June 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)

were an order or decision of the High Court on an application under subsection (3) of this section.

- (5) Except as provided by this section and section 52(3) the validity of an overseas adoption or a determination shall not be impugned in England and Wales in proceedings in any court.

Textual Amendments

F1 Words inserted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), ss. 74(2), 89(1), [Sch. 1](#)

Marginal Citations

M1 [1968 c. 53\(49:11\)](#).

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