



Adoption (Intercountry Aspects) Act 1999

1999 CHAPTER 18

Intercountry adoptions

9 Adoption Service to include intercountry adoptions etc.

[^{F1}After subsection (3) of section 1 of the 1976 and 1978 Acts (establishment of Adoption Service) there shall be inserted—

“(3A) In this Part, references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the British Islands.”]

Textual Amendments

- F1** S. 9 ceases to have effect (30.12.2005) by virtue of [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 95](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), art. 2(o) and s. 9 also repealed (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), s. 121(2), [sch. 3](#); [S.S.I. 2009/267](#), arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

Commencement Information

- II** S. 9 partly in force; s. 9 not in force at Royal Force; s. 9 in force for certain purposes at 30.4.2001 by [S.I. 2001/1279](#), [art. 2](#); s. 9 in force for certain purposes at 2.7.2001 by [S.S.I. 2001/235](#), [art. 2](#)

PROSPECTIVE

^{F2}10 Approval of adoption societies to provide intercountry adoption services.

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Status: Point in time view as at 30/12/2005. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Adoption (Intercountry Aspects) Act 1999, Cross Heading: Intercountry adoptions. (See end of Document for details)

Textual Amendments

- F2** S. 10 repealed (30.4.2003 for W., 1.6.2003 for E.) by [Care Standards Act 2000 \(c. 14\), s. 122, Sch. 6](#); [S.I. 2003/365, art. 3\(6\)\(b\)](#) (with [Sch.](#)); [S.I. 2003/501, art. 2\(3\)\(b\)](#)

11 Six months residence required for certain intercountry adoptions.

[^{F3}After subsection (3) of section 13 of the 1976 and 1978 Acts (child to live with adopters before order is made) there shall be inserted—

“(4) In relation to—

- (a) an adoption proposed to be effected by a Convention adoption order; or
- (b) an adoption of a child habitually resident outside the British Islands which is proposed to be effected by an adoption order other than a Convention adoption order,

subsection (1) shall have effect as if the reference to the preceding 13 weeks were a reference to the preceding six months.”]

Textual Amendments

- F3** Ss. 11-13 cease to have effect (30.12.2005) by virtue of [Adoption and Children Act 2002 \(c. 38\), s. 148\(1\), Sch. 3 para. 95](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(o\)](#)

Commencement Information

- I2** S. 11 in force at 1.6.2003 for specified purposes for S. by [S.S.I. 2003/121, art. 2\(f\)](#)

12 Registration of certain intercountry adoptions.

[^{F3}(1) In subsection (1) of section 50 of the 1976 Act and section 45 of the 1978 Act (Adopted Children Register), for the words from “shall be made” to the end there shall be substituted

- (a) directed to be made in it by adoption orders, or
- (b) required to be made under Schedule 1 to this Act,

and no other entries, shall be made. ”

(2) In paragraph 1 of Schedule 1 to the 1976 and 1978 Acts (registration of adoption orders), sub-paragraph (2) shall cease to have effect.

(3) For paragraph 3 of Schedule 1 to the 1976 Act there shall be substituted—

“ Registration of foreign 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—

- (a) he must make the entry accordingly, and
- (b) if he is also satisfied that an entry in the Registers of Births relates to the child, he must secure that the entry in those Registers is

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marked “Adopted” or “Re-adopted”, as the case may be, followed by the name in brackets of the country in which the adoption was effected.

(2) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the specified form.

(3) An application under this paragraph must be made, in the specified manner, by a specified person and give the specified particulars.

(4) In this paragraph—

“registrable foreign adoption” means a Convention or overseas adoption which satisfies specified requirements;

“specified” means specified by regulations made by the Registrar General.”;

and the same amendment shall be made to Schedule 1 to the 1978 Act (corresponding provision for Scotland) except that for “the Registrar General” (in both places) there shall be substituted “ the Registrar General for Scotland ”, for “the Registers of Births” there shall be substituted “ the register of births ” and for “those Registers” there shall be substituted “ that register ”.

(4) In paragraph 4(5)(a) of Schedule 1 to the 1976 Act and paragraph 4(4)(a) of Schedule 1 to the 1978 Act, after “that” there shall be inserted “ a Convention adoption, ”.]

Textual Amendments

F3 Ss. 11-13 cease to have effect (30.12.2005) by virtue of [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 95](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)

Commencement Information

I3 S. 12 partly in force; s. 12 not in force at Royal Assent see s. 18(3); s. 12 in force (S.) for certain purposes at 14.1.2003 by [S.I. 2002/562](#), [art. 2\(b\)](#)

I4 S. 12 in force at 23.1.2003 for specified purposes for E.W. by [S.I. 2003/189](#), [art. 2\(1\)\(b\)](#)

I5 S. 12 in force at 1.6.2003 for E.W. in so far as not already in force by [S.I. 2003/189](#), [art. 2\(2\)\(f\)](#)

13 Construction of certain references in 1976 and 1978 Acts.

[^{F3}After subsection (3) of section 72 of the 1976 Act and section 65 of the 1978 Act (interpretation) there shall be inserted—

“(3A) In this Act, in relation to the proposed adoption of a child resident outside the British Islands, references to arrangements for the adoption of a child include references to arrangements for an assessment for the purpose of indicating whether a person is suitable to adopt a child or not.

(3B) In this Act, in relation to—

- (a) an adoption proposed to be effected by a Convention adoption order; or
- (b) an adoption of a child habitually resident outside the British Islands which is proposed to be effected by an adoption order other than a Convention adoption order,

references to a child placed with any persons by an adoption agency include references to a child who, in pursuance of arrangements made by such an

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agency, has been adopted by or placed with those persons under the law of a country or territory outside the British Islands.”]

Textual Amendments

- F3** Ss. 11-13 cease to have effect (30.12.2005) by virtue of [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 95](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)

Commencement Information

- I6** S. 13 partly in force; s. 13 not in force at Royal assent see s. 18(3); s. 13 in force (E.) at 31.1.2000 in so far as it inserts a new subsection (3A) in s. 72 of [1976 c.36](#) by S.I. 2000/52, [art.2](#); s. 13 in force (S.) at 10.11.2000 insofar as it inserts a new subsection 3A in s. 65 of [1978 c. 28](#) by S.I. 2000/390, [art. 2](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Adoption (Intercountry Aspects) Act 1999, Cross Heading: Intercountry adoptions.