

# **ADOPTION (INTERCOUNTRY ASPECTS) ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Intercountry adoptions – sections 9 to 13***

#### ***Section 12. Registration of certain intercountry adoptions***

55. Subsection (1) provides for an amendment to section 50(1) of the 1976 Act and section 45(1) of the 1978 Act (Adopted Children Register) which in addition to entries currently made pursuant to adoption orders, will require the Registrar General or the Registrar General for Scotland ("the Registrar") to make such entries in the Adopted Children Register as may be required under Schedule 1 to the Act.
- Subsection (2) removes the obligation to mark the entry in the Adopted Children Register as a "Convention order".
56. Subsection (3) provides for paragraph 3 of Schedule 1 to be substituted by a new paragraph which sets out the conditions to be met and the procedure to be followed before the Registrar is able to make an entry of a registrable foreign adoption in the Adopted Children Register.
57. Subsection (4) provides for a consequential amendment to be made to paragraph 4(5) (a) of Schedule 1.
58. The amendment makes a change in the way the registration of adopted children is to be made in cases where an adoption was effected overseas. The entry in the Register of Adopted Children will no longer indicate 'Convention adoption'. Any relevant entry in the Registers of Birth will be marked 'adopted' or 're-adopted' and include the country in which the adoption order was made. The amendment expands the scope of registration by including children whose adoption was effected under the Convention or as an overseas adoption.
59. Under the 1976 and 1978 Acts, an adoption order made in England, Wales or Scotland should include a direction to the Registrar to make an entry in the Adopted Children Register. This amendment has the effect of extending the duty imposed upon the Registrar to include an entry in the Adopted Children Register of an adoption order made under the Convention or an adoption order made overseas which meets criteria to be set out in Regulations. Requests for entry in the Register for these adoption orders will be made by application to the Registrar. Power has been taken to set out in regulations the form, content and persons by whom application may be made. The Registrar will be required to make the entry if he is satisfied that he has sufficient particulars to enable an entry to be made.