

*These notes refer to the Adoption and Children Act 2002  
(c.38) which received Royal Assent on 7th November 2002*

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 -Miscellaneous and Final Provisions**

##### *Chapter 1 – Miscellaneous*

##### *Section 137: Extension of the Hague Convention to British Overseas Territories*

334. *Section 137* enables provisions giving effect to the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption to be extended to any British Overseas Territory by Order in Council.
335. Article 45 of the Hague Convention allows the Convention to extend to British Overseas Territories at the same time as the United Kingdom ratifies the Convention or later. For the Convention to be extended to any territory that territory must have the necessary legislation implementing the Convention in place. *Section 137* allows an Order in Council to make any provision in respect of any British Overseas Territory that would put in place the legislation necessary to allow the Convention to be extended to that territory. In particular, *subsection (2)* permits provisions corresponding to the Adoption (Intercountry Aspects) Act 1999 and regulations made under section 1 of that Act (which will be used to give effect to the Convention in England, Wales and Scotland) to be made in respect of any British Overseas Territory.
336. *Subsections (3) to (7)* amend the British Nationality Act 1981 to ensure that where the Convention has been extended to any British Overseas Territory, a child adopted overseas under a Convention Adoption Order may acquire automatic British Overseas Territory Citizenship. British Overseas Territory Citizenship will be automatically granted if at least one of the adopters is a British Overseas Territory Citizen and, in the case of a joint adoption, both adopters are habitually resident in the United Kingdom or the relevant British Overseas Territory.