

2013 No. 1801

**CHILDREN AND YOUNG PERSONS, ENGLAND AND
WALES**

The Adoption (Recognition of Overseas Adoptions) Order 2013

<i>Made</i>	- - - -	<i>18th July 2013</i>
<i>Laid before Parliament</i>		<i>22nd July 2013</i>
<i>Coming into force</i>	- -	<i>3rd January 2014</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 87(1) and (5), 140(7) and (8) and 142(5) of the Adoption and Children Act 2002(a).

Citation and commencement

1. This Order may be cited as the Adoption (Recognition of Overseas Adoptions) Order 2013 and comes into force on 3rd January 2014.

Overseas adoptions

2.—(1) An adoption of a child(b) is specified as an overseas adoption if it is an adoption effected under the law of a country or territory listed in the Schedule after the coming into force of this Order and is not a Convention adoption(c).

(2) In this Article “law” does not include customary or common law.

Evidence of an overseas adoption

3.—(1) The following documents may be provided as evidence that an overseas adoption has been effected—

- (a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or
- (b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by the law of the country or territory concerned to sign such a certificate, or a certified copy of such a certificate.

(2) Where a document produced by virtue of paragraph (1) is not in English, the Registrar General may require the production of an English translation of the document before being

(a) 2002 (c.38).

(b) See section 144(1) of the Adoption and Children Act 2002 (“the Act”) for the definition of “child”.

(c) See section 144(1) of the Act for the definition of “the Convention”.

satisfied of the matters specified in paragraph 3 of Schedule 1 to the Adoption and Children Act 2002(a).

(3) Nothing in this Article may be construed as precluding proof, in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(b), or the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(c), or otherwise, that an overseas adoption has been effected.

Revocations and savings provision

4.—(1) The Adoption (Designation of Overseas Adoptions) Order 1973(d) ('the 1973 Order') and the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993(e) are revoked.

(2) The revocations do not affect any adoption designated as an overseas adoption by virtue of the 1973 Order prior to the coming into force of this Order.

Edward Timpson

Parliamentary Under Secretary of State for Children and Families
Department for Education

18th July 2013

SCHEDULE

Article 2(1)

Albania

Andorra

Armenia

Australia

Austria

Azerbaijan

Belarus

Belgium

Belize

Bolivia

Brazil

Bulgaria

Burkina Faso

Burundi

Canada

Cape Verde

(a) Paragraph 3(6) was amended by S.I. 2008/678.

(b) 1933 (c.4). Section 1 was amended by section 5 of the Oaths and Evidence (Overseas Authorities and Countries) Act 1963 (c.27) and section 2 was repealed by section 34 of, and Part 2 of Schedule 4 to, the British Nationality Act 1948 (c.56).

(c) 1963 (c.27). Section 4 was repealed by section 8(2) of, and Schedule 2 to, the Evidence (Proceedings in Other Jurisdictions) Act 1975 (c.34).

(d) S.I. 1973/19, amended by Article 3 of S.I. 1993/690.

(e) S.I. 1993/690.

Chile
The People's Republic of China
Colombia
Costa Rica
Cuba
The Republic of Cyprus
Czech Republic
Denmark (including the Faroe Islands and Greenland)
Dominican Republic
Ecuador
El Salvador
Estonia
Fiji
Finland
France
Georgia
Germany
Greece
Guinea
Hungary
Iceland
India
The Republic of Ireland
Israel
Italy
Kazakhstan
Kenya
Latvia
Lesotho
Liechtenstein
Lithuania
Luxembourg
The Former Yugoslav Republic of Macedonia
Madagascar
Mali

Malta
Mauritius
Mexico
The Republic of Moldova
Monaco
Mongolia
Montenegro
The Netherlands (including the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba)
New Zealand
Norway
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Rwanda
San Marino
Senegal
Seychelles
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Swaziland
Sweden
Switzerland
Thailand
Togo
Turkey
The United States of America
Uruguay

Venezuela

Vietnam

EXPLANATORY NOTE

(This note is not part of the Order)

This Order comes into force on 3rd January 2014. It revokes and replaces the Adoption (Designation of Overseas Adoptions) Order 1973 ('the 1973 Order') and revokes the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993 ('the 1993 Order').

Article 2 provides that an adoption, other than a Convention adoption, effected under the law of a country or territory listed in the Schedule to the Order is designated as an 'overseas adoption' for the purposes of section 87 of the Adoption and Children Act 2002 ('the 2002 Act') and therefore recognised as an 'adoption' under section 66 of the 2002 Act. For the purposes of Article 2 'law' does not include customary or common law.

Article 3 provides that the documents that may be produced as evidence that an overseas adoption has been effected are documents purporting to be a certified copy made, in accordance with the law of the country or territory concerned, in the public register of adoptions or a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by that country or territory to sign such a certificate.

Article 4(1) revokes the 1973 Order and the 1993 Order. The effect of the revocations coupled with this Order is to update the list of countries and territories whose adoption orders are classed as 'overseas adoptions' in England and Wales. Article 4(2) provides for a savings provision in respect of any adoption that was recognised as an overseas adoption under the 1973 Order before it was revoked. Any adoption that was recognised as an overseas adoption prior to the coming into force of this Order continues to be recognised as such.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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