



# Adoption Act 1976

## 1976 CHAPTER 36

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 72 Interpretation

(1) In this Act, unless the context otherwise requires—

" adoption agency " in sections 11, 13, 18 to 23 and 27 to 31 includes an adoption agency within the meaning of section 1 of the Children Act 1975 (adoption agencies in Scotland);

" adoption order " means an order under section 12(1) and, in sections 12(3) and (4), 18 to 21 and 30 to 32 includes an order under section 8 of the Children Act 1975 (adoption orders in Scotland);

" adoption society " means a body of persons whose functions consist of or include the making of arrangements for the adoption of children ;

" approved adoption society " means an adoption society approved under Part I;

" authorised court " shall be construed in accordance with section 62;

" body of persons " means any body of persons, whether incorporated or unincorporated;

" British adoption order " means an adoption order, an order under section 8 of the Children Act 1975 (adoption orders in Scotland), or any provision for the adoption of a child effected under the law of Northern Ireland or any British territory outside the United Kingdom;

" British territory " means, for the purposes of any provision of this Act, any of the following countries, that is to say, Great Britain, Northern Ireland, the Channel Islands, the Isle of Man and a colony, being a country designated for the purposes of that provision by order of the Secretary of State or, if no country is so designated, any of those countries ;

" child ", except where used to express a relationship, means a person who has not attained the age of 18 years ;

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*Status: This is the original version (as it was originally enacted).*

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" the Convention " means the Convention relating to the adoption of children concluded at the Hague on 15th November 1965 and signed on behalf of the United Kingdom on that date ;

" Convention adoption order " means an adoption order made in accordance with section 17(1);

" Convention country " means any country outside British territory, being a country for the time being designated by an order of the Secretary of State as a country in which, in his opinion, the Convention is in force ;

" existing ", in relation to an enactment or other instrument, means one passed or made at any time before 1st January 1976;

" guardian " means—

- (a) a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925 or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be the guardian of the child, and
- (b) in the case of an illegitimate child, includes the father where he has custody of the child by virtue of an order under section 9 of the Guardianship of Minors Act 1971, or under section 2 of the Illegitimate Children (Scotland) Act 1930 ;

" internal law " has the meaning assigned by section 71;

" local authority " means the council of a county (other than a metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London and, in sections 13, 22, 28 to 31, 35(1) and 51, includes a regional or islands council;

" notice " means a notice in writing ;

" order freeing a child for adoption " means an order under section 18 ;

" overseas adoption " has the meaning assigned by subsection (2);

" place of safety " means a community home provided by a local authority, a controlled community home, police station, or any hospital, surgery or other suitable place the occupier of which is willing temporarily to receive a child;

" prescribed " means prescribed by rules ;

" regulated adoption " means an overseas adoption of a description designated by an order under subsection (2) as that of an adoption regulated by the Convention;

" relative " in relation to a child means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by affinity and includes, where the child is illegitimate, the father of the child and any person who would be a relative within the meaning of this definition if the child were the legitimate child of his mother and father;

" rules " means rules made under section 66(1) or made by virtue of section 66(2) under section 15 of the Justices of the Peace Act 1949 ;

" specified order " means any provision for the adoption of a child effected under enactments similar to section 12(1) and 17 in force in Northern Ireland or any British territory outside the United Kingdom ;

" United Kingdom national " means, for the purposes of any provision of this Act, a citizen of the United Kingdom and colonies satisfying such conditions, if any, as the Secretary of State may by order specify for the purposes of that provision ;

" voluntary organisation " means a body other than a public or local authority the activities of which are not carried on for profit.

- (2) In this Act " overseas adoption " means an adoption of such a description as the Secretary of State may by order specify, being a description of adoptions of children appearing to him to be effected under the law of any country outside Great Britain; and an order under this subsection may contain provision as to the manner in which evidence of an overseas adoption may be given.
- (3) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of a child if he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected, or is intended to be effected, in Great Britain or elsewhere, or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, and if he causes another person to do so.
- (4) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- (5) In this Act, except where otherwise indicated—
  - (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and
  - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
  - (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered.