



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 5

##### REGISTRATION

### 53 Adopted Children Register and index

- (1) The Registrar General must continue to maintain—
  - (a) a register to be called the Adopted Children Register, and
  - (b) an index of the Adopted Children Register.
- (2) No entries may be made in the Adopted Children Register other than entries—
  - (a) directed to be made in it by adoption orders, or
  - (b) required to be made under schedule 1.
- (3) The provisions of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) with regard to the correction of errors in entries apply in relation to entries in the Adopted Children Register as they apply in relation to entries in any register of births.
- (4) Schedule 1 (which makes provision about registration of adoptions and the amendment of adoption orders) has effect.

#### Modifications etc. (not altering text)

- C1 Ss. 53-55 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**

*Status: Point in time view as at 28/09/2009.*

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#### Commencement Information

- I1** S. 53(1)-(3) in force at 28.9.2009 by [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)
- I2** S. 53(4) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), **art. 2, Sch.**
- I3** S. 53(4) in force at 28.9.2009 in so far as not already in force by [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)

## 54 Searches and extracts

- (1) The terms, conditions and regulations as to payment of fees, form and authentication of documents and otherwise applicable under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) in respect of—
  - (a) searches in indexes kept by virtue of that Act by the Registrar General, and
  - (b) the supply from the General Register Office of extracts of entries in the registers of births, deaths and marriages,
 apply in respect of searches in the index of the Adopted Children Register and supplies of extracts of entries in the Adopted Children Register.
- (2) Where a person makes a request in accordance with those terms, conditions and regulations (including paying such fee as may be prescribed by those regulations), the Registrar General is, if the General Register Office is open for the purpose, to—
  - (a) search (or permit the person to search) the index of the Adopted Children Register, and
  - (b) issue to the person an extract of an entry in the register.

#### Modifications etc. (not altering text)

- C1** Ss. 53-55 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**

#### Commencement Information

- I4** S. 54 in force at 28.9.2009 by [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)

## 55 Connections between the register and birth records

- (1) The Registrar General must make traceable the connection between any entry in the register of births which, by virtue of paragraph 2(2) of schedule 1 or any enactment at the time in force, has been marked “Adopted” and any corresponding entry in the Adopted Children Register.
- (2) Information kept by the Registrar General for the purposes of subsection (1) is not to be open to public inspection or search.
- (3) The Registrar General may disclose any such information only in accordance with subsection (4).
- (4) Information is disclosed in accordance with this subsection if disclosed—
  - (a) under an order of the Court of Session or a sheriff,
  - (b) to an adopted person who is aged 16 or over and to whom the information relates, or

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- (c) to a local authority, Board, registered adoption society or relevant adoption society which is providing counselling for any such adopted person.
- (5) Where the Registrar General discloses information in accordance with subsection (4) (b), the Registrar must inform the adopted person that counselling services are available for the person—
- (a) if the person is in Scotland, from any local authority in Scotland,
  - (b) if the person is in England and Wales, from any local authority in England and Wales,
  - (c) if the person is in Northern Ireland, from any Board,
  - (d) if the person is in the United Kingdom and the person's adoption was arranged by—
    - (i) a registered adoption service, from that service,
    - (ii) a registered adoption society, from that society, or
    - (iii) a relevant adoption society, from that society.
- (6) Where—
- (a) in accordance with subsection (4) information is disclosed to an adopted person who is in Scotland, or
  - (b) such a person applies for information under—
    - (i) Schedule 2 to the 2002 Act, or
    - (ii) Article 54 of the Northern Ireland Order,any body mentioned in subsection (7) from which the adopted person requests counselling must provide counselling for the person.
- (7) Those bodies are—
- (a) any local authority in Scotland,
  - (b) any registered adoption service, or
  - (c) any registered adoption society or relevant adoption society in so far as (by virtue of section 76(2)) that society is acting as an adoption society in Scotland.
- (8) In this section—
- “Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265),
- “local authority”, in relation to England and Wales, means—
- (a) any unitary authority, or
  - (b) any county council so far as it is not a unitary authority,
- “relevant adoption society” means an adoption society registered under Article 4 of the Northern Ireland Order.

**Modifications etc. (not altering text)**

- C1** Ss. 53-55 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**

**Commencement Information**

- I5** S. 55 in force at 28.9.2009 by [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)

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## 56 Admissibility of extracts as evidence

- (1) An extract of an entry in the Adopted Children Register issued by virtue of section 54(2)(b) is sufficient evidence of the adoption to which it relates.
- (2) Where an entry in the Adopted Children Register contains a record of—
  - (a) the date of birth, or
  - (b) the country of the birth,of the adopted person, an extract of the entry issued by virtue of that section is sufficient evidence of that date or, as the case may be, country.

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### Commencement Information

- I6** S. 56 in force at 28.9.2009 by [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)

## 57 Interpretation of Chapter 5

- (1) In this Chapter, “Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland.
- (2) Any register, index or record maintained by virtue of section 53 or 55 or schedule 1 may be maintained in any form that the Registrar General considers appropriate.
- (3) References (however expressed) to entries in such a register, or to their amendment, cancellation or marking, are to be read accordingly.

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### Commencement Information

- I7** S. 57 in force at 28.9.2009 by [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)

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