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STATUTORY INSTRUMENTS

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**1987 No. 2203**

**The Adoption (Northern Ireland) Order 1987**

**PART VI**

**REGISTRATION, AMENDMENT AND REVOCATION OF ADOPTION ORDERS**

*The Adopted Children Register*

**Adopted Children Register**

**50.**—(1) The Registrar General for Northern Ireland (“the Registrar General”) shall—

- (a) maintain at the General Register Office a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries;
- (b) cause an index of the Adopted Children Register to be made and kept in the General Register Office; and
- (c) keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked “Adopted” pursuant to Article 51 or any statutory provision at the time in force, and any corresponding entry in the Adopted Children Register.

(2) Every person shall be entitled to search the index mentioned in paragraph (1)(b) and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration (Northern Ireland) Order 1976(1) in respect of searches in other indexes kept in the General Register Office and in respect of the supply from that Office of certified copies of entries in the Registers of Births and Deaths.

(3) The Registers and books kept under paragraph (1)(c) shall not be, nor shall any index thereof be, open to public inspection or search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from any such registers or books except in accordance with Article 54 or under an order of any of the following courts, that is to say—

- (a) the High Court;
- (b) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates; and
- (c) any prescribed county court.

**Registration of adoption orders**

**51.**—(1) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set out in Schedule 2, and (subject to paragraph (2)) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

- (2) For the purposes of compliance with the requirements of paragraph (1)—
- (a) where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;
  - (b) where the country of birth of the child is not proved to the satisfaction of the court, then, if it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Northern Ireland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register; and
  - (c) the names to be specified in the order as the name and surname of the child shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.
- (3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of Schedule 2 shall include—
- (a) in the case of a child born in Northern Ireland, the registration district in which the birth took place; and
  - (b) where the child was born in Northern Ireland but the registration district in which the birth took place is not proved to the satisfaction of the court, or where the child is treated by virtue of paragraph (2)(b) as born in Northern Ireland, he shall be treated for the purposes of this paragraph as born in the registration district in which the court sits.
- (4) Where upon any application for an adoption order in respect of a child born in Northern Ireland (not being a child who has previously been the subject of an adoption order made by a court in Northern Ireland under this Order or any statutory provision at the time in force) there is proved to the satisfaction of the court the identity of the child with a child to whom an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Register of Births to be marked with the word "Adopted".
- (5) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Northern Ireland under this Order or any statutory provision at the time in force, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".
- (6) The prescribed officer of the court which made an adoption order shall cause the adoption order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.
- (7) Where an adoption order is communicated to the Registrar General in accordance with paragraph (6), and the country of birth of the child or the country in which the child was previously adopted is shown therein as being England or Wales, Scotland, the Isle of Man or any of the Channel Islands, the Registrar General shall cause a notification giving particulars of the entry to be marked and a statement that an adoption order has been granted in respect of the child, to be transmitted to the authority maintaining the Register of Births or the Adopted Children Register or any corresponding register of adoptions, as the case may be, in that country.

#### **Amendment of orders and rectification of Registers**

**52.**—(1) The court by which an adoption order has been made (or, where that court was a county court, a county court held for the same division) may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein, and may—

- (a) if satisfied on the application of the adopter or of the adopted person that within 1 year beginning with the date of the order any new name or names has or have been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name or names specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name or names in those particulars, as the case may require;
  - (b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Register of Births or the Adopted Children Register included in the order in pursuance of Article 51(4) or (5) was wrongly so included, revoke that direction.
- (2) Where an adoption order is amended or a direction revoked under paragraph (1), the prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar General who shall, as the case may require,—
- (a) cause the entry in the Adopted Children Register to be amended accordingly; or
  - (b) cause the marking of the entry in the Register of Births or the Adopted Children Register to be cancelled.
- (3) Where an adoption order is quashed or an appeal against an adoption order is allowed by any court, the court shall give direction to the Registrar General to cancel any entry in the Adopted Children Register and any marking of an entry in that Register or the Register of Births which was effected in pursuance of the order.
- (4) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to Article 50(2) shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.
- (5) Without prejudice to Article 55 where, after an entry in the Register of Births has been marked with the word “Adopted”, the birth is re-registered under Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976(2) (which provides for the re-registration of the birth of legitimated persons) the entry made on the re-registration shall be marked in the like manner.
- (6) Where the Registrar General has, in accordance with Article 51(7), caused a notification of any particulars to be transmitted to any authority maintaining a Register of Births or an Adopted Children Register or any corresponding register of adoptions in England and Wales, Scotland, the Isle of Man or any of the Channel Islands, and any of those particulars are amended, revoked or cancelled under this Article, the Registrar General shall cause a notification of such amendment, revocation or cancellation to be transmitted to that authority.

### **Registration of adoptions made outside Northern Ireland**

53.—(1) Where the Registrar General is notified by the authority maintaining a register of adoptions in England or Wales, Scotland, the Isle of Man or any of the Channel Islands that an order has been made in that country authorising the adoption of a child to whom an entry in the Register of Births or the Adopted Children Register relates, he shall cause the entry to be marked with the word “Adopted” or “Re-adopted” as the case may require, followed by the name, in brackets, of the country in which the order was made.

(2) Where, after an entry has been so marked, the Registrar General is notified as aforesaid that the order has been quashed, that an appeal against the order has been allowed or that the order has been revoked, he shall cause the marking to be cancelled; and a copy or extract of an entry in any

register, being an entry the marking of which is cancelled under this paragraph, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) The preceding provisions of this Article shall apply in relation to orders corresponding to orders under Article 57 as they apply in relation to orders authorising the adoption of a child; but any marking of any entry required by virtue of this paragraph shall consist of the words “Proposed foreign adoption” or as the case may require, “Proposed foreign re-adoption” followed by the name in brackets of the country in which the order was made.

(4) Without prejudice to paragraphs (2) and (3) or Article 55, where after an entry in the Register of Births has been marked in accordance with this Article the birth is re-registered under Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976, the entry made on the re-registration shall be marked in the like manner.

### *Disclosure of records*

#### **Disclosure of birth records of adopted children**

**54.**—(1) Subject to paragraphs (4) and (6), the Registrar General shall, on an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Registrar General and who has attained the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.

(2) On an application made in the prescribed manner by an adopted person under the age of 18 years, a record of whose birth is kept by the Registrar General and who is intending to be married, and on payment of the prescribed fee (if any), the Registrar General shall inform the applicant whether or not it appears from information contained in the registers of live births or other records that the applicant and the person whom he intends to marry may be within the prohibited degrees of relationship for the purposes of Article 18(1) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(3).

(3) Each adoption agency shall provide counselling for adopted persons who apply for information under paragraph (1).

(4) Before supplying any information to an applicant under paragraph (1) the Registrar General shall inform the applicant that counselling services are available to him—

- (a) from the Board for the area where the applicant is at the time the application is made; or
- (b) from the Board for the area where the court sat which made the adoption order relating to the applicant; or
- (c) if the applicant’s adoption was arranged by a registered adoption society, from that society.

(5) If the applicant chooses to receive counselling under paragraph (4) the Registrar General shall send to the Board or society of the applicant’s choice the information to which the applicant is entitled under paragraph (1).

(6) The Registrar General shall not supply a person who was adopted before the day on which this Order was made with any information under paragraph (1) unless that person has attended an interview with a counsellor in pursuance of arrangements made by the Board in or adoption society from whom the applicant is entitled to receive counselling in accordance with paragraph (4).

### *Revocation of certain adoptions*

#### **Revocation of adoptions on legitimation**

**55.**—(1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(2) Where any person legitimated by virtue of section 1 of the Legitimacy Act (Northern Ireland) 1961<sup>(4)</sup> had been adopted by his father and mother before 1st September 1961, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(3) In relation to an adoption order made by a county court, the reference in paragraphs (1) and (2) to the court by which the order was made includes a reference to a court held for the same division.

(4) Where an adoption order is revoked under paragraph (1) or (2) the prescribed officer of the court shall cause the revocation to be communicated in the prescribed manner to the Registrar General who shall cause to be cancelled—

(a) the entry in the Adopted Children Register relating to the adopted person; and

(b) the marking with the word “Adopted” of any entry relating to him in the Register of Births; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this paragraph, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

### *Regulations*

#### **Regulations for purposes of Part VI**

**56.** Regulations made under the Births and Deaths Registration (Northern Ireland) Order 1976<sup>(5)</sup> may make provision about the duties to be performed by registrars of births and deaths in the execution of this Part.

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(4) 1961 c. 5 (N.I.)

(5) 1976 NI 14