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STATUTORY INSTRUMENTS

2005 No. 924

**REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC., ENGLAND AND WALES**

**The Adopted Children and Adoption
Contact Registers Regulations 2005**

Made - - - - 24th March 2005

Laid before Parliament 29th March 2005

Coming into force - - 30th December 2005

The Registrar General in exercise of the powers conferred on him by sections 51(1) and (2) and 67(1), (2), (5) and (6) of, and paragraphs 1(1) and 3(2) to (4) of Schedule 1 to, the Adoption Act 1976⁽¹⁾ and sections 78(3), 79(5), (7) and (8), 80(2), (4) and (6), 142(7) and 144(2) of, and paragraphs 1(1) and 3(3) to (5) of Schedule 1 and paragraph 1(1) of Schedule 2 to, the Adoption and Children Act 2002⁽²⁾, as extended by section 26(3) of the Welsh Language Act 1993⁽³⁾, with the approval of the Chancellor of the Exchequer, hereby makes the following Regulations:—

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Adopted Children and Adoption Contact Registers Regulations 2005 and shall come into force on 30th December 2005.

(2) In these Regulations “the Act” means the Adoption and Children Act 2002.

(1) 1976 c. 36.

(2) 2002 c. 38. In sections 78(3) and 79(9) of, and paragraphs 1 and 3 of Schedule 1 and paragraph 1 of Schedule 2 to, the Act “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Chancellor of the Exchequer and in section 80 “regulations” means regulations made by the Registrar General with the approval of the Chancellor of the Exchequer and “prescribed” means prescribed by such regulations (see section 81(4) of the Act).

(3) 1993 c. 38.

PART 2

ADOPTED CHILDREN REGISTER

Form of entry in the Adopted Children Register

2.—(1) For the purposes of paragraph 1(1) of Schedule 1 to the Act (form of entry in the Adopted Children Register), the prescribed form of entry pursuant to a direction in an adoption order made by—

- (a) a court sitting in England, is the form set out in Schedule 1; and
- (b) a court sitting in Wales, is the form set out in Schedule 2.

(2) For the purposes of paragraph 3(4) of Schedule 1 to the Act (form of entry in the Adopted Children Register – registrable foreign adoption), the prescribed form of entry—

- (a) in the case of an adopted child habitually resident in England, is the form set out in Schedule 1; and
- (b) in the case of an adopted child habitually resident in Wales, is the form set out in Schedule 2.

Registrable foreign adoption

3. For the the purposes of paragraph 3(5) of Schedule 1 to the Act (meaning of registrable foreign adoption), the prescribed requirement is that at the time the Convention adoption⁽⁴⁾ or overseas adoption⁽⁵⁾ is effected, the adoptive parent or, in the case of a couple, both adoptive parents, are habitually resident in England or Wales.

Persons who may make an application

4. For the purposes of paragraph 3(3) of Schedule 1 to the Act (application in relation to a registrable foreign adoption), the prescribed persons are—

- (a) the adoptive parent or, in the case of a couple, one of the adoptive parents of the adopted child;
- (b) any other person who has parental responsibility within the meaning of section 3 of the Children Act 1989⁽⁶⁾ for the adopted child;
- (c) the adopted person if he has attained the age of 18 years.

Manner of application and prescribed documents and other information

5.—(1) An application under paragraph 3 of Schedule 1 to the Act (application in relation to registrable foreign adoption) shall be made in writing and signed by the person making the application.

(2) For the purposes of paragraph 3(3) of Schedule 1 to the Act, the prescribed documents and other information are—

- (a) in the case of a Convention adoption, the copy of the certificate sent to the adoptive parents by the relevant Central Authority in accordance with regulation 32 of the Adoptions with a Foreign Element Regulations 2005⁽⁷⁾ and the date on which the adoption was effected;

(4) “Convention adoption” is given a meaning by virtue of section 66(1)(c) of the Act.

(5) See section 87(1) of the Act.

(6) 1989 c. 41.

(7) S.I.2005/392.

- (b) in the case of an overseas adoption, the evidence in accordance with article 4 of the Adoption (Designation of Overseas Adoptions) Order 1973⁽⁸⁾ or an order made under section 87(1) of the Act that the adoption has been effected, and the date on which the adoption was effected;
 - (c) subject to paragraph (3), the adopted child's—
 - (i) full name on adoption and any previous names;
 - (ii) sex;
 - (iii) date of birth; and
 - (iv) place and country of birth;
 - (d) subject to paragraph (3), the full name and any previous names of the natural father and natural mother;
 - (e) subject to paragraph (3), the full name, any previous names, address and occupation of the adoptive parent or parents; and
 - (f) the capacity in which the person is making the application.
- (3) Where the applicant does not have the information specified in sub-paragraphs (c) to (e) of paragraph (2), that person shall state the extent to which such information is not known.
- (4) Where any of the above documents or information are not in English or Welsh, the applicant shall provide a translation into English of the application, duly signed and endorsed by the translator with the following particulars—
- (a) the name, address, and occupation of the translator; and
 - (b) a statement to the effect that the translation is true and accurate.

PART 3

ADOPTION CONTACT REGISTER

Part 1 of the Adoption Contact Register

6.—(1) For the purposes of section 80(2) of the Act (information in Part 1 of the register about adopted persons), the prescribed information is the full name, address and date of birth of the adopted person together with the following information—

- (a) any relative⁽⁹⁾ with whom they wish to have contact together with the name of that relative if known;
- (b) any relative with whom they do not wish to have contact together with the name of that relative if known.

(2) For the purposes of section 80(2) of the Act, the prescribed notice is the notice set out in Schedule 3.

Part 2 of the Adoption Contact Register

7.—(1) For the purposes of section 80(4) of the Act (information in Part 2 of the register about relatives of adopted persons), the prescribed information is the full name, address and date of birth of the relative of an adopted person together with the following information—

- (a) the name of the adopted person with whom they wish to have contact; or

⁽⁸⁾ S.I. 1973/19 amended by S.I. 1993/690.

⁽⁹⁾ See section 81(2) of the Act for the definition of “relative”.

(b) the fact that they do not wish to have contact with the named adopted person.

(2) For the purposes of section 80(4) of the Act, the prescribed notice is the notice set out in Schedule 4.

Notification of link

8. The Registrar General shall give an adopted person whose name is in Part 1 of the Adoption Contact Register, the name, in writing, of any relative of his whose name is in Part 2 of that Register and who has asked for contact with that adopted person, together with the address at or through which the relative may be contacted(**10**).

Fees

9.—(1) The fee payable in respect of the making of an entry in Part 1 of the Adoption Contact Register is £15.

(2) The fee payable in respect of the making of an entry in Part 2 of the Adoption Contact Register is £30.

PART 4

INFORMATION FROM THE REGISTERS

Particulars required to obtain a certified copy of an entry in the Adopted Children Register relating to a person under the age of 18

10. For the purposes of section 78(3) of the Act the prescribed particulars are—

- (a) the full name of the adopted person;
- (b) the date of birth of the adopted person; and
- (c) the full name of the adoptive parent or parents.

Application by appropriate adoption agency for information

11. For the purposes of section 79(5) of the Act(**11**), an application by an appropriate adoption agency(**12**) must be made in writing.

Pre-commencement adoptions: application by adopted person aged 18 or over

12. For the purposes of paragraph 1 of Schedule 2 to the Act(**13**) the application by the adopted person must be made in writing and signed by him.

(10) In accordance with section 81(3) of the Act the Registrar General must not give any information entered in the register to any person except in accordance with these Regulations or regulations made under section 64(4)(b) of the Act.

(11) Regulations made under section 64 of the Act may require adoption agencies to give or seek prescribed information to or from the Registrar General, and may require the Registrar General to disclose to the appropriate adoption agency any information which he requires about any entry relating to an adopted person in the Adoption Contact Register.

(12) “Appropriate adoption agency” is defined by section 65(1) of the Act.

(13) Regulations made under section 98 of the Act may confer functions on the Registrar General for the purpose of assisting persons aged over 18 adopted before the appointed day to obtain information in relation to their adoption, and facilitate contact between such persons and their relatives.

Application by adopted person under the age of 18 who intends to marry or form a civil partnership

13. For the purposes of section 79(7) of the Act(14), the application by the adopted person must be made in writing and signed by him.

PART 5

REVOCATIONS, TRANSITIONAL PROVISIONS AND SAVINGS

Revocations etc.

14.—(1) Subject to paragraphs (2) and (3), the following regulations are revoked—

- (a) the Forms of Adoption Entry Regulations 1975(15) (“the 1975 Regulations”);
- (b) the Adopted Persons (Birth Records) Regulations 1991(16); and
- (c) the Registration of Foreign Adoptions Regulations 2003 (“the 2003 Regulations”)(17).

(2) The 1975 Regulations shall apply in relation to an adoption order made before 30th December 2005.

(3) The 2003 Regulations shall apply in relation to an adoption order made or adoption effected before the 30th December 2005 where an application has been made before that date pursuant to paragraph 3(1) of Schedule 1 to the Adoption Act 1976(18) (registration of foreign adoptions).

24th March 2005

Len Cook
Signed by the Registrar General

24th March 2005

Stephen Timms
Approved and signed by authority of the
Chancellor of the Exchequer

(14) Section 79(7) is amended by the Civil Partnership Act 2004, section 79(1) and (8).

(15) S.I. 1975/1959.

(16) S.I. 1991/1981.

(17) S.I. 2003/1255.

(18) 1976 c. 36. Paragraph 3 was substituted by section 12(3) of the Adoption (Intercountry Aspects) Act 1999 (c. 40).

SCHEDULE 2

Regulation 2(1)(b) and (2)(b)

FORM OF ENTRY IN THE ADOPTED CHILDREN REGISTER (WALES)

| | |
|---|--|
| 1. No. of entry Rhif y gofnod | |
| 2. Date/ Dyddiad and place and country of birth of child a'r man a'r wlad lle ganwyd y plentyn | or/neu Registration District/Dosbarth Cofrestru Sub-district/Is-ddosbarth |
| 3. Name and surname of child Enw a chyfenw y plentyn | |
| 4. Sex of child Rhyw y plentyn | |
| 5. Name and surname Enw a chyfenw address cyfeiriad and occupation of the parent(s) of the adopted child a gwaith rhiant/ rhieni y plentyn mabwysiedig | |
| 6. Date of adoption order or date on which the adoption was effected Dyddiad y gorchymyn mabwysiadu neu'r dyddiad gafodd y mabwysiad ei effeithioli and description of court or by whom effected a disgrifiad o'r llys neu gan pwy gafodd ei effeithioli | |
| 7. Date of entry Dyddiad y gofnod | |
| 8. Signature of officer deputed by Registrar General to attest the entry Llofnod y swyddog a benodwyd gan y Cofrestrydd Cyffredinol i ardystio'r gofnod | |

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SCHEDULE 3

Regulation 6(2)

PRESCRIBED NOTICE FOR ENTRY IN PART 1 OF THE ADOPTION CONTACT REGISTER

I [full name] of [address], [date of birth], wish to have my name and address entered in Part 1 of the Adoption Contact Register.

I wish to contact the following relative(s):

[relative(s) and, if known, name(s) of the relative(s)]

I do not wish to contact the following relative(s):

[relative(s) and, if known, name(s) of the relative(s)]

I understand that I may withdraw this notice at any time.

Date:

Signed:

SCHEDULE 4

Regulation 7(2)

PRESCRIBED NOTICE FOR ENTRY IN PART 2 OF THE ADOPTION CONTACT REGISTER

I [full name] of [address], [date of birth], being the [description of relationship] of [name of adopted person], wish to have my name and address entered in Part 2 of the Adoption Contact Register, as I wish/do not wish to make contact with [name of adopted person].

Date:

Signed:

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the Adopted Children Register and the Adoption Contact Register maintained by the Registrar General under the Adoption and Children Act 2002 (“the Act”).

Part 2 makes provision in relation to the Adopted Children Register. Regulation 2 prescribes the form of entry in the Register, which is made pursuant to a direction of the court in an adoption order, including the form of entry in the case of a registrable foreign adoption. The form of entry is set out in Schedule 1 (England) and Schedule 2 (Wales).

Regulation 3 prescribes the requirements that a registrable foreign adoption must meet. Regulation 4 specifies who may make an application relating to a child adopted under a registrable foreign

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adoption. Regulation 5 prescribes the manner in which such an application should be made and the documents and other information required by the Registrar General.

Part 3 makes provision in relation to the Adoption Contact Register. Regulation 6 prescribes the information to be contained in Part 1 of the Register in relation to adopted persons who have given the prescribed notice expressing their wishes as to making contact with their relatives. The prescribed notice for entry in Part 1 of the Register is set out in Schedule 3. Regulation 7 prescribes the information to be contained in Part 2 of the Register in relation to relatives of adopted persons who have given notice expressing their wishes as to making contact with adopted persons. The prescribed notice for entry in Part 2 of the Register is set out in Schedule 4. The Registrar General must give an adopted person whose name is in Part 1 of the Register information about any relative of his entered in Part 2 of the Register (regulation 8). Regulation 9 makes provision in relation to the fees payable in respect of making entries in the Register.

Part 4 makes provision in relation to the obtaining of information from the Adopted Children Register and on the connection between this Register and birth records. Regulation 10 specifies the information required from applicants who wish to obtain certified copies of entries in the Adopted Children Register relating to adopted persons under the age of 18 years. Regulation 11 specifies the manner of an application by an appropriate adoption agency for information in respect of an adopted person whose record of birth is kept by the Registrar General and which would enable that person to obtain a copy of the record of his birth. Regulation 12 applies to adoptions before the appointed day and prescribes the manner of an application for information necessary to enable an adopted person to obtain a certified copy of the record of his birth. Regulation 13 prescribes the manner of application by an adopted person who is under the age of 18 years and intends to be married or form a civil partnership.

These Regulations do not impose a charge on business.