

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Adoption

Chapter 5 – Registers

Chapter 5 deals with registration issues surrounding adoption and the duties placed upon the Registrar General.

Section 76: Adopted Children Register

Subsection (1) places a duty upon the Registrar General to continue to maintain the Adopted Children Register and provides for entries to be made in the Register. *Subsection (2)* provides that the Adopted Children Register is not to be open to public inspection or search. *Subsection (3)* provides that entries may not be made on the Register unless they are made by adoption orders or by the amendment of adoption orders (*subsection (6)* and Schedule 1). *Subsection (4)* provides that a certified copy of an entry on the Register is evidence of an adoption to which it relates. *Subsection (5)* provides that where the birth information is contained in the Adopted Children Register, a certified copy of that entry is to be treated as a certified copy of an entry in the registers of live births. *Subsection (7)* provides that regulations may make provision for any person to have access to any information contained in the Adopted Children Register upon payment of a prescribed fee. *Subsection (8)* provides that regulations made under subsection (7) may provide that a relevant period must have expired in relation to the information. The relevant period in relation to the adoption of a child means the expiration of 100 years from the date of the child's birth or such other period as may be prescribed (*subsection (9)*). *Subsection (10)* provides that regulations made under subsection (7) allows the Registrar General to make arrangements with any person for the purpose of providing access to information, as mentioned in subsection (7) and, for that purpose, to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

Section 77: Searches and copies

Subsection (1) places a duty on the Registrar General to continue to maintain an index of the Adopted Children Register at the General Register Office. *Subsection (2)* provides that any person may search the index of the Register and obtain a certified copy of any entry. However, a person is not entitled to have a certified copy of an entry in the Adopted Children Register relating to an adopted person who has not attained the age of 18 years unless prescribed particulars have been provided to the Registrar General (*subsection (3)*). *Subsection (4)* provides that the terms, conditions and regulations as to payment of fees, and otherwise, applicable under the Births and Deaths Registration (Northern Ireland) Order 1976 are to apply in respect of searches, and supplies of certified copies, under *subsection (2)*.

Section 78: Connections between the register and birth records

Subsection (1) places a duty on the Registrar General to make traceable the connection between any entry in the registers of live-births or other records which has been marked "Adopted" and any corresponding entry in the Adopted Children Register. *Subsection (2)* provides that public access to this index is prohibited. *Subsection (3)* provides that any such information held under *subsections (1) and (2)*, and any other information which would enable an adopted person to obtain a certified copy of the record of their birth, may only be disclosed by the Registrar General in accordance with this section. *Subsection (4)* provides that, in relation to a person adopted before the appointed day a court may, in exceptional circumstances, order the Registrar General to give such information to a person. The appointed day is defined in *subsection (9)* as the day appointed for the commencement of sections 55 to 64. *Subsection (5)* provides that the Registrar General is to provide an appropriate adoption agency, upon application by the agency, with any information mentioned in *subsection (3)*. *Subsection (6)* provides that for people adopted before the commencement of sections 55 to 64, Schedule 2 applies and *subsection (5)* does not.

Subsection (7) enables the Registrar General to make regulations to set out the manner in which applications must be made by an adopted person aged under 18 who intends to be married or form a civil partnership requesting information as to whether their intended spouse or civil partner may be within the prohibited degrees of relationship for the purpose of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 and the Civil Partnership Act 2004. *Subsection (8)* enables the Registrar General to make regulations requiring the payment of a prescribed fee in respect of information given under section 78. A fee is not chargeable in respect of an application made under *subsection (7)*.

Section 79: Adoption Contact Register

Subsection (1) places a duty on the Registrar General to continue to maintain, in accordance with regulations, the Adoption Contact Register at the General Register Office. The Adoption Contact Register is a register in two Parts, designed to facilitate contact between adopted persons and their birth relatives

where both parties have expressed a wish for such contact. *Subsection (2)* enables the Registrar General to prescribe in regulations the information about adopted persons who wish to make contact with their relatives to be included in Part 1 of the Adoption Contact Register. *Subsection (3)* provides that the Registrar General may make an entry for an adopted person in Part 1 of the Register if a record of that person's birth is kept by the Registrar General, that person has attained the age of 18 years and the Registrar General is satisfied that the adopted person has such information as is necessary to obtain a copy of their birth record. Under *subsection (4)*, the Registrar General is able to make regulations prescribing the information about relatives of adopted persons to be included in Part 2 of the Adoption Contact Register. It is intended that these regulations will cover information similar to that included in the regulations made under subsection (2), such as names and addresses.

Subsection (5) provides that the Registrar General may only make an entry in Part 2 of the Register for a person who has attained the age of 18 and if the Registrar General is satisfied that he is a relative of an adopted person and has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person's birth. *Subsection (6)* enables the Registrar General to make regulations providing for the disclosure of information contained in one Part of the Register to persons included in the other Part of the Register. Such regulations may provide, for example, that information held on the Register should only be given to the adopted person in order to enable them to make a choice as to whether to initiate contact with their relative(s). *Subsection (6)* also provides that regulations may be made by the Registrar General to set fees for the making or alteration of entries in the Register, and the disclosure of information contained in it.

Section 80: Adoption Contact Register: supplementary

Section 80 provides that the Adoption Contact Register is not to be open to public inspection or search (*subsection (1)*). *Subsection (2)* defines relatives. This definition will include, for example, parents, siblings, grandparents, great-grandparents, uncles, aunts, cousins, nephews and nieces, including by blood, half blood, marriage or civil partnership. *Subsection (3)* provides that the Registrar General must not give any information entered in the Register to any person except in accordance with section 79(6)(a) where regulations may provide for the disclosure of information contained in one Part of the Register to persons for whom there is an entry in the other part. The Registrar General must also not give any information entered in the Register in accordance with regulations made under section 63(4)(b) which require the Registrar General to disclose to the appropriate adoption agency any information the adoption agency requires about any entry relating to the adopted person on the Adoption Contact Register.

Section 81: Interpretation

Section 81 provides interpretation in respect of the provisions in Chapter 5. It defines the terms “prescribed”, "records", "registers of births" and “regulations”. It also provides that the Registrar General may maintain in any form any register, record or index which the Registrar General is required to keep under these provisions.