



# Adoption Act 1976

## 1976 CHAPTER 36

### PART V

#### REGISTRATION AND REVOCATION OF ADOPTION ORDERS AND CONVENTION ADOPTIONS

##### **50 Adopted Children Register.**

- (1) The Registrar General shall 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.
- (2) A certified copy of an entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall, without any further or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country or the district and sub-district of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or district and sub-district in all respects as if the copy were a certified copy of an entry in the Registers of Births.
- (3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in the General Register Office; and every person shall be entitled to search that index 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 payments of fees and otherwise as are applicable under the <sup>M1</sup>Births and Deaths Registration Act 1953, and the <sup>M2</sup>Registration Service Act 1953, 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 certified copies of the Registers of Births and Deaths.
- (4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, 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 Registers of Births which has been marked "Adopted" and any corresponding entry in the Adopted Children Register.

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- (5) The registers and books kept under subsection (4) 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 extracted from any such registers or books except in accordance with section 51 or under an order of any of the following courts, that is to say—
- (a) the High Court;
  - (b) the Westminster County Court or such other county court as may be prescribed; and
  - (c) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates.
- (6) In relation to an adoption order made by a magistrates' court, the reference in paragraph (c) of subsection (5) to the court by which the order was made includes a reference to a court acting for the same petty sessions area.
- (7) Schedule 1 to this Act, which, among other things, provides for the registration of adoptions and the amendment of adoption orders, shall have effect.

#### Marginal Citations

**M1** 1953 c. 20(105).

**M2** 1953 c. 37(105).

## 51 Disclosure of birth records of adopted children.

- (1) Subject to [<sup>F1</sup>subsections (4) and (6)][<sup>F1</sup>what follows], 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 in England or Wales, 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 the <sup>M3</sup>Marriage Act 1949.

<sup>F2</sup>[<sup>X1</sup> It shall be the duty of the Registrar General and each local authority and approved adoption society to provide counselling for adopted persons who apply for information under subsection (1).]

- (4) Before supplying any information to an applicant under subsection (1) the Registrar General shall inform the applicant that counselling services are available to him—
- (a) at the General Register Office; or
  - (b) from the local authority for the area where the applicant is at the time the application is made; or
  - (c) from the local authority for the area where the court sat which made the adoption order relating to the applicant; or

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- (d) if the applicant’s adoption was arranged by an adoption society which is approved under section 3 of this Act or under section 4 of the <sup>M4</sup>Children Act 1975, from that society.
- (5) If the applicant chooses to receive counselling from a local authority or an adoption society under subsection (4) the Registrar General shall send to the authority or society of the applicant’s choice the information to which the applicant is entitled under subsection (1).
- (6) The Registrar General shall not supply a person who was adopted before 12th November 1975 with any information under subsection (1) unless that person has attended an interview with a counsellor either at the General Register Office or in pursuance of arrangements made by the local authority or adoption society from whom the applicant is entitled to receive counselling in accordance with subsection (4).
- (7) In this section, “prescribed” means prescribed by regulations made by the Registrar General.]
- [<sup>F3</sup>(3) Before supplying any information to an applicant under subsection (1), the Registrar General shall inform the applicant that counselling services are available to him—
- (a) if he is in England and Wales—
- (i) at the General Register Office;
  - (ii) from the local authority in whose area he is living;
  - (iii) where the adoption order relating to him was made in England and Wales, from the local authority in whose area the court which made the order sat; or
  - (iv) from any other local authority;
- (b) if he is in Scotland—
- (i) from the regional or islands council in whose area he is living;
  - (ii) where the adoption order relating to him was made in Scotland, from the council in whose area the court which made the order sat; or
  - (iii) from any other regional or islands council;
- (c) if he is in Northern Ireland—
- (i) from the Board in whose area he is living;
  - (ii) where the adoption order relating to him was made in Northern Ireland, from the Board in whose area the court which made the order sat; or
  - (iii) from any other Board;
- (d) if he is in the United Kingdom and his adoption was arranged by an adoption society—
- (i) approved under section 3,
  - (ii) approved under section 3 of the <sup>M5</sup>Adoption (Scotland) Act 1978,
  - (iii) registered under Article 4 of the <sup>M6</sup>Adoption (Northern Ireland) Order 1987,
- from that society.
- (4) Where an adopted person who is in England and Wales—
- (a) applies for information under—
    - (i) subsection (1), or
    - (ii) Article 54 of the Adoption (Northern Ireland) Order 1987, or

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- (b) is supplied with information under section 45 of the Adoption (Scotland) Act 1978,
- it shall be the duty of the persons and bodies mentioned in subsection (5) to provide counselling for him if asked by him to do so.
- (5) The persons and bodies are—
- (a) the Registrar General;
  - (b) any local authority falling within subsection (3)(a)(ii) to (iv);
  - (c) any adoption society falling within subsection (3)(d) in so far as it is acting as an adoption society in England and Wales.
- (6) If the applicant chooses to receive counselling from a person or body falling within subsection (3), the Registrar General shall send to the person or body the information to which the applicant is entitled under subsection (1).
- (7) Where a person—
- (a) was adopted before 12th November 1975, and
  - (b) applies for information under subsection (1),
- the Registrar General shall not supply the information to him unless he has attended an interview with a counsellor arranged by a person or body from whom counselling services are available as mentioned in subsection (3).
- (8) Where the Registrar General is prevented by subsection (7) from supplying information to a person who is not living in the United Kingdom, he may supply the information to any body which—
- (a) the Registrar General is satisfied is suitable to provide counselling to that person, and
  - (b) has notified the Registrar General that it is prepared to provide such counselling.
- (9) In this section—
- “a Board” means a Health and Social Services Board established under Article 16 of the <sup>M7</sup>Health and Personal Social Services (Northern Ireland) Order 1972; and
- “prescribed” means prescribed by regulations made by the Registrar General.]

#### Editorial Information

- X1** S. 51(3)–(9) commencing “(3) Before supplying any information” substituted (*prosp.*) for subsections (3)–(7) commencing “(3) It shall be the duty” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, [Sch. 10 para. 20\(2\)](#) (with [Sch. 14 para. 1\(1\)](#))

#### Textual Amendments

- F1** Words “what follows” substituted (*prosp.*) for “subsections (4) and (6)” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, [Sch. 10 para. 20\(1\)](#) (with [Sch. 14 para. 1\(1\)](#))
- F2** S. 51(3) repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, [Sch. 2 paras. 3, 5, Sch. 4](#)
- F3** S. 51(3)–(9) commencing “(3) Before supplying any information” substituted (*prosp.*) for subsections (3)–(7) commencing “(3) It shall be the duty” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, [Sch. 10 para. 20\(2\)](#) (with [Sch. 14 para. 1\(1\)](#))

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#### **Marginal Citations**

- M3** 1949 c. 76(49:1).
- M4** 1975 c. 72(49:3).
- M5** 1978 c.28(49:11).
- M6** S.I. 1987/2203 (N.I. 22).
- M7** S.I. 1972/1265 (N.I. 14).

#### **[<sup>F4</sup>51A Adoption Contact Register.**

- (1) The Registrar General shall maintain at the General Register Office a register to be called the Adoption Contact Register.
- (2) The register shall be in two parts—
  - (a) Part I: Adopted Persons; and
  - (b) Part II: Relatives.
- (3) The Registrar General shall, on payment of such fee as may be prescribed, enter in Part I of the register the name and address of any adopted person who fulfils the conditions in subsection (4) and who gives notice that he wishes to contact any relative of his.
- (4) The conditions are that—
  - (a) a record of the adopted person's birth is kept by the Registrar General; and
  - (b) the adopted person has attained the age of 18 years and—
    - (i) has been supplied by the Registrar General with information under section 51; or
    - (ii) has satisfied the Registrar General that he has such information as is necessary to enable him to obtain a certified copy of the record of his birth.
- (5) The Registrar General shall, on payment of such fee as may be prescribed, enter in Part II of the register the name and address of any person who fulfils the conditions in subsection (6) and who gives notice that he wishes to contact an adopted person.
- (6) The conditions are that—
  - (a) a record of the adopted person's birth is kept by the Registrar General; and
  - (b) the person giving notice under subsection (5) has attained the age of 18 years and has satisfied the Registrar General that—
    - (i) he is a relative of the adopted person; and
    - (ii) he has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person's birth.
- (7) The Registrar General shall, on receiving notice from any person named in an entry in the register that he wishes the entry to be cancelled, cancel the entry.
- (8) Any notice given under this section must be in such form as may be determined by the Registrar General.
- (9) The Registrar General shall transmit to an adopted person whose name is entered in Part I of the register the name and address of any relative in respect of whom there is an entry in Part II of the register.
- (10) Any entry cancelled under subsection (7) ceases from the time of cancellation to be an entry for the purposes of subsection (9).

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- (11) The register shall not be open to public inspection or search and the Registrar General shall not supply any person with information entered in the register (whether in an uncanceled or a canceled entry) except in accordance with this section.
- (12) The register may be kept by means of a computer.
- (13) In this section—
- (a) “relative” means any person (other than an adoptive relative) who is related to the adopted person by blood (including half-blood) or marriage;
  - (b) “address” includes any address at or through which the person concerned may be contacted; and
  - (c) “prescribed” means prescribed by the Secretary of State.]

#### Textual Amendments

**F4** S. 51A inserted (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 88, Sch. 10 para. 21 (with Sch. 14 para. 1(1))

## 52 Revocation of adoptions on legitimation.

- (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 <sup>M8</sup>Legitimacy Act 1959, had been adopted by his father and mother before the commencement of that Act, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.
- (3) Where a person adopted by his father or mother alone by virtue of a regulated adoption has subsequently become a legitimated person on the marriage of his father and mother, the High Court may, upon an application under this subsection by the parties concerned, by order revoke the adoption.
- (4) In relation to an adoption order made by a magistrates’ court, the reference in subsections (1) and (2) to the court by which the order was made includes a reference to a court acting for the same petty sessions area.

#### Marginal Citations

**M8** 1959 c. 73(49:7).

## 53 Annulment etc. of overseas adoptions.

- (1) The High Court may, upon an application under this subsection, by order annul a regulated adoption [<sup>F5</sup>or an adoption effected by a Convention adoption order]—
  - (a) on the ground that at the relevant time the adoption was prohibited by a notified provision, if under the internal law then in force in the country of which the adopter was then a national or the adopters were then nationals the adoption could have been impugned on that ground;

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- (b) on the ground that at the relevant time the adoption contravened provisions relating to consents of the internal law relating to adoption of the country of which the adopted person was then a national, if under that law the adoption could then have been impugned on that ground;
  - (c) on any other ground on which the adoption can be impugned under the law for the time being in force in the country in which the adoption was effected.
- (2) The High Court may, upon an application under this subsection—
- (a) order that an overseas adoption or a determination shall cease to be valid in Great Britain on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case;
  - (b) decide the extent, if any, to which a determination has been affected by a subsequent determination.
- (3) Any court in Great Britain may, in any proceedings in that court, decide that an overseas adoption or a determination shall, for the purposes of those proceedings, be treated as invalid in Great Britain on either of the grounds mentioned in subsection (2).
- (4) An order or decision of the Court of Session on an application under subsection (3) of section 6 of the <sup>M9</sup>Adoption Act 1968 shall be recognised and have effect as if it were an order or decision of the High Court on an application under subsection (3) of this section.
- (5) Except as provided by this section and section 52(3) the validity of an overseas adoption or a determination shall not be impugned in England and Wales in proceedings in any court.

#### Textual Amendments

**F5** Words inserted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), ss. 74(2), 89(1), [Sch. 1](#)

#### Marginal Citations

**M9** [1968 c. 53\(49:11\)](#).

## 54 Provisions supplementary to ss. 52(3) and 53.

- (1) Any application for an order under section 52(3) or 53 or a decision under section 53(3) shall be made in the prescribed manner and within such period, if any, as may be prescribed.
- (2) No application shall be made under section 52(3) or section 53(1) in respect of an adoption unless immediately before the application is made the person adopted or the adopter habitually resides in England and Wales or, as the case may be, both adopters habitually reside there.
- (3) In deciding in pursuance of section 53 whether such an authority as is mentioned in section 59 was competent to entertain a particular case, a court shall be bound by any finding of fact made by the authority and stated by the authority to be so made for the purpose of determining whether the authority was competent to entertain the case.
- (4) In section 53—

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“determination” means such a determination as is mentioned in section 59 of this Act;

“notified provision” means a provision specified in an order of the Secretary of State as one in respect of which a notification to or by the Government of the United Kingdom was in force at the relevant time in pursuance of the provisions of the Convention relating to prohibitions contained in the national law of the adopter; and

“relevant time” means the time when the adoption in question purported to take effect under the law of the country in which it purports to have been effected.



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