

Status: Point in time view as at 12/04/2005.

Changes to legislation: Adoption Act 1976 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

REGISTRATION OF ADOPTIONS

Registration of adoption orders

- 1 (1) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in such form as the Registrar General may by regulations specify.
- ^{F1}(2)
- (3) Where on an application to a court for an adoption order in respect of a child (not being a child who has previously been the subject of an adoption order made by a court in England or Wales under this Act or any enactment 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 Registers 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 Registers of Births to be marked with the word “Adopted”.
- (4) 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 England or Wales under this Act or any enactment 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”.
- (5) Where an adoption order is made, the prescribed officer of the court which made the order shall cause the 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.

Textual Amendments

- F1** Sch. 1 para. 1(2) repealed (23.1.2003 for specified purposes, 1.6.2003 in so far as not already in force) by Adoption (Intercountry Aspects) Act 1999 (c. 18), ss. 12(2), 18(3), **Sch. 3** (with s. 17); S.I. 2003/189, art. 2(1)(b), (2)(f)

Registration of adoptions in Scotland, Northern Ireland, the Isle of Man and the Channel Islands

- 2 (1) Where the Registrar General is notified by the Registrar General for Scotland that an adoption order has been made by a court in Scotland in respect of a child to whom an entry in the Registers of Births or the Adopted Children Register relates, the Registrar General shall cause the entry to be marked “Adopted (Scotland)” or, as the case may be, “Re-adopted (Scotland)”; and where, after an entry has been so marked, the Registrar General is notified as aforesaid that the adoption order has been quashed,

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or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

- (2) Where the Registrar General is notified by the authority maintaining a register of adoptions in Northern Ireland, 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 Registers 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.
- (3) 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 sub-paragraph, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.
- (4) The preceding provisions of this paragraph shall apply in relation to orders corresponding to orders under section 55 as they apply in relation to orders authorising the adoption of a child; but any marking of an entry required by virtue of this sub-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.
- (5) Without prejudice to sub-paragraphs (2) and (3) where, after an entry in the Registers of Births has been marked in accordance with this paragraph, the birth is re-registered under section 14 of the ^{M1}Births and Deaths Registration Act 1953 (re-registration of births of legitimated children) the entry made on the re-registration shall be marked in the like manner.

Marginal Citations

M1 1953 c. 20 (105)

f²Registration of foreign adoptions

Textual Amendments

F2 Sch. 1 para. 3 substituted (23.1.2003 for specified purposes, 1.6.2003 in so far as not already in force) by Adoption (Intercountry Aspects) Act 1999 (c. 18), ss. 12(3), 18(3) (with s. 17); S.I. 2003/189, art. 2(1)(b), (2)(f)

- 3 (1) If the Registrar General is satisfied, on an application under this paragraph, that he has sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry to be made in the Adopted Children Register for the child—
 - (a) he must make the entry accordingly, and
 - (b) if he is also satisfied that an entry in the Registers of Births relates to the child, he must secure that the entry in those Registers is marked “Adopted” or “Re-adopted”, as the case may be, followed by the name in brackets of the country in which the adoption was effected.

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- (2) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the specified form.
- (3) An application under this paragraph must be made, in the specified manner, by a specified person and give the specified particulars.
- (4) In this paragraph—
 - “registrable foreign adoption” means a Convention or overseas adoption which satisfies specified requirements;
 - “specified” means specified by regulations made by the Registrar General.]

Amendment of orders and rectification of Registers

- 4 (1) The court by which an adoption order has been made 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 the adopted person that within one year beginning with the date of the order any new name has 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 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 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 Registers of Births or the Adopted Children Register included in the order in pursuance of sub-paragraph (3) or (4) of paragraph 1 was wrongly so included, revoke that direction.
- (2) Where an adoption order is amended or a direction revoked under sub-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 Registers of Births or the Adopted Children Register to be cancelled.
- (3) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court shall give directions to the Registrar General to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register, or the Registers of Births as the case may be, 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 subsection (3) of section 50 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) If the Registrar General is satisfied—

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- (a) that^{F3} a Convention adoption,] a Convention adoption order or an overseas adoption has ceased to have effect, whether on annulment or otherwise; or
- (b) that any entry or mark was erroneously made in pursuance of paragraph 3 in any register mentioned in that paragraph,

he may cause such alterations to be made in any such register as he considers are required in consequence of the cesser or to correct the error; and where an entry in such a register is amended in pursuance of this sub-paragraph, any copy or extract of the entry shall be deemed to be accurate if and only if it shows the entry as amended but without indicating that it has been amended.

- (6) In relation to an adoption order made by a magistrates' court, the reference in sub-paragraph (1) to the court by which the order has been made includes a reference to a court acting for the same petty sessions area.

Textual Amendments

F3 Words in Sch. 1 para. 4(5)(a) inserted (23.1.2003 for specified purposes, 1.6.2003 in so far as not already in force) by [Adoption \(Intercountry Aspects\) Act 1999 \(c. 18\)](#), **ss. 12(4), 18(3)** (with s. 17); [S.I. 2003/189](#), art. 2(1)(b), (2)(f)

Marking of entries on re-registration of birth on legitimation

- 5 (1) Without prejudice to section 52, where, after an entry in the Registers of Births has been marked with the word “Adopted” (with or without the addition of the word “(Scotland)”), the birth is re-registered under section 14 of the ^{M2}Births and Deaths Registration Act 1953 (re-registration of births of legitimated persons) the entry made on the re-registration shall be marked in the like manner.
- (2) Without prejudice to paragraph 4(5), where an entry in the Registers of Births is marked in pursuance of paragraph 3 and the birth in question is subsequently re-registered under the said section 14, the entry made on re-registration shall be marked in the like manner.

Marginal Citations

M2 [1953 c. 20 \(105\)](#)

Cancellations in Registers on legitimation

- 6 Where an adoption order, . . . ^{F4} is revoked under section 52(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” (or, as the case may be, with that word and the word “(Scotland)”) if any entry relating to him in the Registers of Births;

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

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Textual Amendments

- F4** Words repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), ss. 72(2), 89, Schs. 1, 3

SCHEDULE 2

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- 2 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- 3 Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.
- 4 Any reference in any document, whether express or implied, to any enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding enactment of this Act.

Existing adoption orders

- 5 (1) Without prejudice to paragraph 1, an adoption order made under an enactment at any time before this Act comes into force shall not cease to have effect by virtue only of a repeal effected by this Act.
- (2) Paragraph 4(1) and (2) of Schedule 1 shall apply in relation to an adoption order made before this Act came into force as if the order had been made under section 12, but as if, in sub-paragraph (1)(b) of the said paragraph 4, there were substituted for the reference to paragraph 1(3) and (4) a reference—
- (a) in the case of an order under the ^{M3}Adoption of Children Act 1926, to section 12(3) and (4) of the ^{M4}Adoption of Children Act 1949,
 - (b) in the case of an order under the ^{M5}Adoption Act 1950, to section 18(3) and (4) of that Act,
 - (c) in the case of an order under the ^{M6}Adoption Act 1958, to section 21(4) and (5) of that Act.
- (3) The power of the court under the said paragraph 4(1) to amend an order includes power, in relation to an order made before 1st April 1959, to make on the application of the adoptor or adopted person any such amendment of the particulars contained in the order as appears to be required to bring the order into the form in which it would have been made if paragraph 1 of Schedule 1 had applied to the order.

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- (4) Section 52(1) and paragraph 6 of Schedule 1 shall apply in relation to an adoption order made under an enactment at any time before this Act came into force as they apply in relation to an adoption order made under this Act.

Marginal Citations

- M3** 1926 c. 29.
M4 1949 c. 98 (20)
M5 1950 c. 26.
M6 1958 c. 5 (7 & 8 Eliz. 2) (49:11)

Rights relating to property

- 6 (1) Section 39—
- (a) does not apply to an existing instrument or enactment in so far as it contains a disposition of property, and
 - (b) does not apply to any public general Act in its application to any disposition of property in an existing instrument or enactment.
- (2) Sections 16 and 17 of the Adoption Act 1958, and provisions containing references to those sections shall continue to apply in relation to dispositions of property effected by existing instruments notwithstanding the repeal of those sections, and such provisions, by the ^{M7}Children Act 1975.
- (3) Section 46 shall apply in relation to this paragraph as if it were contained in Part IV.

Marginal Citations

- M7** 1975 c. 72 (49:9, 10)

Payments relating to adoptions

- 7 Section 57(7), (8) and (9) shall not have effect if, immediately before section 57 comes into force, there is in force in England and Wales an order under section 50(8) of the Adoption Act 1958.

Registers of adoptions

- 8 Any register, or index to a register kept under the ^{M8}Adoption Act 1958, or any register or index deemed to be part of such a register, shall be deemed to be part of the register kept under section 50.

Marginal Citations

- M8** 1958 c. 5 (7 & 8 Eliz. 2) (49:9, 10)

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X¹SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

Editorial Information

- X1** The text of s. 73(2) and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

AMENDMENTS EXTENDING ONLY TO ENGLAND AND WALES

1—3 F5

Textual Amendments

- F5** Sch. 3 paras. 1–3 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

4 F6

Textual Amendments

- F6** Sch. 3 para. 4 repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 89(2), **Sch. 3**

5, 6. F7

Textual Amendments

- F7** Sch. 3 paras. 5 and 6 repealed by Foster Children Act 1980 (c. 6, SIF 20), s. 23(3), **Sch. 3**

County Courts Act 1959 (c.22)

7 In section 109(2) of the County Courts Act 1959, after paragraph (h) there is added the following paragraph—

“(i) any proceedings under Part II or section 29 or 55 of the Adoption Act 1976.”.

F8 ...

Textual Amendments

- F8** Sch. 3 para. 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F⁹8

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Textual Amendments

F9 Sch. 3 para. 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Health Services and Public Health Act 1968 (c. 46)

9 In section 64(3)(a) of the Health Services and Public Health Act 1968 there is added at the end the following paragraph—

“(xviii) the Adoption Act 1976.”

10 In section 65(3)(b) of the said Act of 1968 there is added at the end of the following paragraph—

“(xix) the Adoption Act 1976”.

F10 . . .

Textual Amendments

F10 Sch. 3 para. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F11 11

Textual Amendments

F11 Sch. 3 para. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

12, 13. *F12*

Textual Amendments

F12 Sch. 3 paras. 12 and 13 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

14 *F13*

Textual Amendments

F13 Sch. 3 para. 14 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), **Sch. 7**

Local Authority Social Services Act 1970 (c. 42)

15 In Schedule 1 to the Local Authority Social Services Act 1970, the following is added at the end—

“Adoption Act 1976 (c. 36) Maintenance of Adoption Service ;
functions of local authority as adoption

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agency ; applications for orders freeing children for adoption ; inquiries carried out by local authorities in adoption cases; care, possession and supervision of children awaiting adoption.”.

16 F14

Textual Amendments

F14 Sch. 3 para. 16 repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(4), 34(2), Sch. 4

Immigration Act 1971 (c. 77)

17 In section 33(1) of the Immigration Act 1971, in the definition of “legally adopted”, for the words “section 4 of the Adoption Act 1968” there are substituted the words “section 72(2) of the Adoption Act 1976”.

18 F15

Textual Amendments

F15 Sch. 3 para. 18 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, Sch. 6

Children Act 1975 (c. 72)

^{F16}19

Textual Amendments

F16 Sch. 3 para. 19 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

20 F17

Textual Amendments

F17 Sch. 3 para. 20 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

^{F18}21

Textual Amendments

F18 Sch. 3 para. 21 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

^{F19}22

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Textual Amendments

F19 Sch. 3 para. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

Legitimacy Act 1976 (c. 31)

- 23 In section 4 of the Legitimacy Act 1976,
 - (a) in subsection (1), for the words “Paragraph 3 of Schedule 1 to the Children Act 1975” there are substituted the words “Section 39 of the Adoption Act 1976” ;
 - (b) in subsection (2)(a), for the words “sub-paragraph (2) of the said paragraph 3” there are substituted the words “subsection (2) of the said section 39” ;
 - (c) in subsection (2)(b), for the words “Part II of the said Schedule I” there are substituted the words “section 39, 41 or 42 of the Adoption Act 1976”.
- 24 In section 6(2) of the said Act of 1976, for the words “paragraph 6(2) of Schedule 1 to the Children Act 1975” there are substituted the words “section 42(2) of the Adoption Act 1976”.

PART II

25—44. F20

Textual Amendments

F20 Sch. 3 Pt. II (paras. 25–44) repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 4

^{x2}SCHEDULE 4

REPEALS

Editorial Information

X2 The text of s. 73(3) and Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of Repeal
1958 c. 5 (7 & 8 Eliz. 2).	Adoption Act 1958.	The whole Act so far as unrepealed.
1959 c. 72.	Mental Health Act 1959.	In section 19(3), the words “or a protected child within the meaning of Part IV of the Adoption Act 1958”.

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1960 c. 59.	Adoption Act 1960.	The whole Act.
1964 c. 57.	Adoption Act 1964.	The whole Act.
1968 c. 46.	Health Services and Public Health Act 1968.	In section 64(3)(a), paragraphs (v) and (xii). In section 65(3)(b), paragraphs (v) and (xiii).
1968 c. 53.	Adoption Act 1968.	The whole Act.
1969 c. 54.	Children and Young Persons Act 1969.	In Schedule 5, paragraphs 33 to 36.
1970 c. 31.	Administration of Justice Act 1970.	In Schedule 1, the paragraph relating to appeals under section 10 of the Adoption Act 1958.
1970 c. 42.	Local Authorities Social Services Act 1970.	In Schedule 1, the paragraphs relating to the Adoption Act 1958 and Part I of the Children Act 1975.
1971 c. 3.	Guardianship of Minors Act 1971.	In Schedule 1, the paragraphs relating to the Adoption Act 1958.
1972 c. 70.	Local Government Act 1972.	In Schedule 23, paragraph 8.
1975 c. 72.	Children Act 1975.	Part I. Section 100(4), (5) and (6). In section 102(1), the words “Part I except section 24(6) or” and paragraph (a). In section 107(1), the definitions of “adoption order”, “adoption society”, “approved adoption society”, “British adoption order”, “British territory”, “the Convention”, “Convention adoption order”, “Convention country” and “United Kingdom national”, and in the definition of “guardian”, paragraph (b). Schedules 1 and 2. In Schedule 3, paragraphs 6, 16(b), 17, 21 to 40, 44, 45, 61 to 65, and 74(a).
1976 c. 31.	Legitimacy Act 1976.	In Schedule 1, paragraph 7.

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