



Adoption Act 1976

1976 CHAPTER 36

PART IV

STATUS OF ADOPTED CHILDREN

38 Meaning of “adoption” in Part IV.

(1) In this Part “adoption” means adoption—

- (a) by an adoption order;
- (b) by an order made under the ^{M1}Children Act 1975, the ^{M2}Adoption Act 1958, the ^{M3}Adoption Act 1950 or any enactment repealed by the Adoption Act 1950;
- (c) by an order made in Scotland, Northern Ireland, the Isle of Man or in any of the Channel Islands;
- [^{F1}(cc) which is a Convention adoption;]
- (d) which is an overseas adoption; or
- (e) which is an adoption recognised by the law of England and Wales and effected under the law of any other country,

and cognate expressions shall be construed accordingly.

(2) The definition of adoption includes, where the context admits, an adoption effected before the passing of the ^{M4}Children Act 1975 [^{F2}but does not include an adoption of a kind mentioned in paragraphs (c) to (e) of subsection (1) effected on or after the day which is the appointed day for the purposes of Chapter 4 of Part 1 of the Adoption and Children Act 2002], and the date of an adoption effected by an order is the date of the making of the order.

Textual Amendments

- F1** S. 38(1)(cc) inserted (1.6.2003) by [Adoption \(Intercountry Aspects\) Act 1999 \(c. 18\), ss. 4\(1\), 18\(3\)](#) (with s. 17); [S.I. 2003/189, art. 2\(2\)\(c\)](#)
- F2** Words in s. 38(2) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\), s. 148\(1\), Sch. 3 para. 19](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(o\)](#)

Changes to legislation: Adoption Act 1976, Section 38 is up to date with all changes known to be in force on or before 27 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) [View outstanding changes](#)

Marginal Citations

- M1** 1975 c. 72(49:3).
- M2** 1958 c. 5 (7 & 8 Eliz. 2).(49:11).
- M3** 1950 c. 26.
- M4** 1975 c. 72(49:3).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#) (Amendment not applied to legislation.gov.uk. The relevant references were repealed before the amendment came into force.)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(6A)(6B) inserted by [1999 c. 18 s. 10](#) (This amendment not applied to legislation.gov.uk. S. 10 repealed (30.4.2003 for W., 1.6.2003 for E.) without ever being in force by 2000 c. 14, ss. 117(2), 122, Sch. 6; S.I. 2003/501, art. 2(3)(b); S.I. 2003/365, art. 3(6)(a))
- s. 13(4) inserted by [1999 c. 18 s. 11](#) (This amendment not applied to legislation.gov.uk. S. 11 ceases to have effect (E.W.) (30.12.2005) by virtue of 2002 c. 38, ss. 139, 148(1), Sch. 3 para. 95 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o))
- s. 52(1)(c) power to extend conferred by [2002 c. 38 Sch. 4 para. 16\(1\)\(a\)](#)
- s. 52(1A) inserted by [2002 c. 38 Sch. 4 para. 15\(a\)](#)
- s. 56(4)-(6) inserted by [2002 c. 38 Sch. 4 para. 11\(b\)](#)