

SCHEDULES

SCHEDULE 1

Section 45.

REGISTRATION OF ADOPTIONS

Registration of adoption orders

- 1 (1) Every adoption order shall contain a direction to the Registrar General for Scotland to make in the Adopted Children Register maintained by him an entry recording the adoption in such form as the Registrar General for Scotland may by regulations specify.
- (2) The direction contained in a Convention adoption order in pursuance of this paragraph shall include an instruction that the entry made in that register in consequence of the order shall be marked with the words " Convention order ".
- (3) For the purposes of compliance with the requirements of sub-paragraph (1)—
- (a) where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth ;
 - (b) where the country of birth of the child is not proved to the satisfaction of the court, then, if it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Scotland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register ;
- and the names to be specified in the order as the name and surname of the child shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.
- (4) There shall be produced with every application for an adoption order in respect of a child whose birth has been registered under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 or under any enactment repealed by that Act an extract of the entry of the birth.
- (5) 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 Scotland 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 register of births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General for Scotland to cause the entry in that register to be marked with the word " Adopted ".
- (6) 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 Scotland under this Act or any enactment at the time in force, the order shall contain a direction to the Registrar

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General for Scotland to cause the previous entry in the Adopted Children Register to be marked with the word " Re-adopted " .

- (7) Where an adoption order is made, the clerk of the court which made the order shall cause the order to be communicated to the Registrar General for Scotland and upon receipt of the communication the Registrar General for Scotland shall cause compliance to be made with the directions contained in the order.

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

- 2 (1) Where the Registrar General for Scotland is notified by the Registrar General that an adoption order has been made by a court in England in respect of a child to whom an entry in the register of births or the Adopted Children Register relates, the Registrar General for Scotland shall cause the entry to be marked " Adopted (England) " or, as the case may be, " Re-adopted (England) " .
- (2) Where the Registrar General for Scotland 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 register of births or the Adopted Children Register relates, he shall cause the entry to be marked " Adopted " or " Re-adopted " , as the case may be, followed by the name in brackets of the country in which the order was made.
- (3) Where, after an entry has been marked under the foregoing provisions of this paragraph, the Registrar General for Scotland 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 an 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 accurate if and only if both the marking and the cancellation are omitted therefrom.
- (4) The foregoing provisions of this paragraph shall apply in relation to orders corresponding to orders under section 49 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.

Registration of overseas adoptions

- 3 If the Registrar General for Scotland is satisfied that an entry in the register of births relates to a person adopted under an overseas adoption and that he has sufficient particulars relating to that person to enable an entry, in the form specified for the purposes of this paragraph in regulations made under paragraph 1(1), to be made in the Adopted Children Register in respect of that person, he shall—
- (a) make such an entry in the Adopted Children Register; and
 - (b) if there is a previous entry in respect of that person in that register, mark the entry (or if there is more than one such entry the last of them) with the word " Re-adopted " followed by the name in brackets of the country in which the adoption was effected ; and
 - (c) unless the entry in the register of births is already marked with the word " Adopted " (whether or not followed by other words), mark the entry with that word followed by the name in brackets of the country aforesaid.

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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 register of births or the Adopted Children Register included in the order in pursuance of sub-paragraph (5) or (6) 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 clerk of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar General for Scotland 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 register 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 for Scotland to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register, or the register of births as the case may be, which was effected in pursuance of the order.
- (4) If the Registrar General for Scotland is satisfied—
- (a) that 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, an 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.

Marking of entries on re-registration of birth

- 5 Without prejudice to any other provision of this Act where, after an entry in the register of births has been marked in accordance with paragraph 2 or 3, the birth is re-registered under section 20(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (re-registration of birth in certain cases), the entry made on re-registration shall be marked in the like manner.

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Cancellations in registers on legitimation

- 6 Where an adoption order is revoked under section 46(1) the clerk of the court shall cause the revocation to be communicated in the prescribed manner to the Registrar General for Scotland 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 " (England) ") of any entry relating to him in the register of births;
- and an extract of an entry in any register, being an entry the marking of which is cancelled under this paragraph shall be deemed to be accurate if and only if both the marking and the cancellation are omitted therefrom.
- 7 In this Schedule, " Registrar General" means the Registrar General for England and Wales.

SCHEDULE 2

Section 66.

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 enactment or document, whether express or implied, to an enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding enactment in 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(5) and (6) a reference—
- (a) in the case of an order under the Adoption Act 1950, to section 20(4) and (5) of that Act,
 - (b) in the case of an order under the Adoption Act 1958, to section 23(4) and (5) of that Act.

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- (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 adopter 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.
- (4) Section 46(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.

Payments relating to adoptions

- 6 Section 51(8), (9) and (10) shall not have effect if, immediately before section 51 comes into force, there is in force in Scotland an order under section 50(8) of the Adoption Act 1958.

Registers of adoptions

- 7 Any register or index to a register kept under the 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 or index kept under section 45.

Commencement of Act

- 8 An order under section 67(2) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provision of this Act then in force or any provision of the Adoption Act 1958 or the Children Act 1975 as appear to him to be necessary or expedient in consequence of the partial operation of this Act.

SCHEDULE 3

Section 66.

CONSEQUENTIAL AMENDMENTS

Children Act 1958 (c. 65)

- 1 In section 2 of the Children Act 1958, for subsection (4A) there shall be substituted the following subsection—
- “(4A) A child is not a foster child for the purposes of this Act while he is placed in the care and possession of a person who proposes to adopt him under arrangements made by such an adoption agency as is referred to in section 1 of the Adoption Act 1976 or section 1 of the Adoption (Scotland) Act 1978 or while he is a protected child within the meaning of section 32 of the said Act of 1978.”
- 2 In section 6(1)(f) of the said Act of 1958, for the words from " Act 1958 " to " removal" there shall be substituted the words " Act 1958 or section 34 of the Adoption Act 1976 or section 34 of the Adoption (Scotland) Act 1978 for the removal ".

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- 3 In section 17 of the said Act of 1958, for the definition of " relative " there shall be substituted the words " " relative " has the same meaning as in the Adoption (Scotland) Act 1978 ".

Succession (Scotland) Act 1964 (c. 41)

- 4 In section 23 of the Succession (Scotland) Act 1964, in subsection (3), for the words from " section " to " prevent" there shall be substituted the words " section or in the Children Act 1975 or in the Adoption (Scotland) Act 1978 shall prevent "; and in subsection (5), for the words from " means an order" to the end of the subsection there shall be substituted the words " has the same meaning as in section 38 of the Adoption (Scotland) Act 1978 (whether the order took effect before or after the commencement of this Act); and " adopted" means adopted in pursuance of an adoption order ".
- 5 In section 37(1) of the said Act of 1964, for the words from " nothing in this Act" to " shall " where that word first occurs there shall be substituted the words " nothing in this Act or (as respects paragraph (a) of this subsection) in the Children Act 1975 or the Adoption (Scotland) Act 1978 shall ".

Legitimation (Scotland) Act 1968 (c. 22)

- 6 In section 6(2) of the Legitimation (Scotland) Act 1968, for the words from the beginning to " other shall" there shall be substituted the words " The revocation (under this section or otherwise) of any adoption order within the meaning of section 38 of the Adoption (Scotland) Act 1978 in consequence of the marriage of the parents of the adopted person to each other shall ".
- 7 In section 6(3) of the said Act of 1968, for the words " section 26 of the Adoption Act 1958 " there shall be substituted the words " section 46 of the Adoption (Scotland) Act 1978 ".

Social Work (Scotland) Act 1968 (c. 49)

- 8 In section 2(2) of the Social Work (Scotland) Act 1968, after paragraph (h) there shall be inserted the following paragraph—
“(j) the Adoption (Scotland) Act 1978.”.
- 9 In section 5(2)(c) of the said Act of 1968, for the words " and (h)" there shall be substituted the words " (h) and (j) ".
- 10 In section 6(1)(b) of the said Act of 1968—
(a) in head (ii), for the words "Part IV of the Adoption Act 1958 " there shall be substituted the words " section 32 of the Adoption (Scotland) Act 1978 ";
(b) in head (iii), for the words " Children Act 1975 " there shall be substituted the words " Adoption (Scotland) Act 1978 ".
- 11 In section 10(1) of the said Act of 1968, for the words "and (h)" there shall be substituted the words " (h) and (j) ".
- 12 In section 10(3A) of the said Act of 1968, for the words " Children Act 1975 " there shall be substituted the words " Adoption (Scotland) Act 1978 ".
- 13 In section 16(3) and (11)(b) of the said Act of 1968, for the words from " section 14 " to " Act 1976 " there shall be substituted the words " section 18 or 55 of the Adoption Act 1976 or under section 18 or 49 of the Adoption (Scotland) Act 1978 ".

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- 14 In section 16(11)(a) of the said Act of 1968, for the words " Schedule 2 to the Children Act 1975 " there shall be substituted the words " section 38 of the Adoption (Scotland) Act 1978 ".
- 15 In section 18(4A) of the said Act of 1968, for the words " section 8 of the Children Act 1975 ", " section 14 of the Children Act 1975 " and " section 25 of the Children Act 1975 " there shall be substituted respectively the words " section 12 of the Adoption (Scotland) Act 1978 " , " section 18 of the said Act of 1978" and " section 49 of the said Act of 1978 ".

Children Act 1975 (c. 72)

- 16 In section 47(5) of the Children Act 1975, for the words " 1958 Act " in both places where those words occur there shall be substituted the words " Adoption (Scotland) Act 1978 ".
- 17 In section 103(1)(a) of the said Act of 1975, for paragraph (i) there shall be substituted the following paragraph—
“(i) section 58 of the Adoption (Scotland) Act 1978 ;”.
- 18 In section 105 of the said Act of 1975, after the word " time " there shall be inserted the words " (including such sections as have been repealed by and re-enacted in the Adoption (Scotland) Act 1978) ".
- 19 In section 107(1) of the said Act of 1975, in the definition of " adoption society" for the words " 1958 Act" there shall be substituted the words " Adoption (Scotland) Act 1978 ".

SCHEDULE 4

Section 66.

REPEALS

Chapter	Short Title	Extent of Repeal
1958 c. 5 (7 & 8 Eliz. 2).	Adoption Act 1958.	The whole Act.
1960 c. 59.	Adoption Act 1960.	The whole Act.
1964 c. 41.	Succession (Scotland) Act 1964.	Section 24(4).
1964 c. 57.	Adoption Act 1964.	The whole Act.
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In Schedule 1, paragraphs 7 to 10.
1968 c. 49.	Social Work (Scotland) Act 1968.	In Schedule 8, paragraphs 37 to 41.
1968 c. 53.	Adoption Act 1968.	The whole Act.
1969 c. 54.	Children and Young Persons Act 1969.	In Schedule 5, paragraphs 33 and 35.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 27, paragraph 142.

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Chapter	Short Title	Extent of Repeal
1975 c. 72.	Children Act 1975.	<p>Sections 1 to 32.</p> <p>Section 100(4), (5) and (9).</p> <p>In section 102(1), the words " Part I except section 24(6) or " and paragraph (a).</p> <p>In section 107(1), the definitions of " 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).</p> <p>Section 107(2A).</p> <p>Section 108(5) and (6).</p> <p>In Schedule 2, paragraphs 1 to 4, 5(1), (2) and (4), 6(1) and (3), and 7.</p> <p>In Schedule 3, paragraphs 17, 21 to 40, 44, 45 and 61 to 65.</p>
1976 c. 36.	Adoption Act 1976.	<p>Sections 22 and 23.</p> <p>Section 51(3).</p> <p>Section 73(2).</p> <p>In section 74(3), the words from " except " to " Schedule 3 ".</p> <p>In Schedule 3, paragraphs 25 to 44.</p>
1977 c. 45.	Criminal Law Act 1977.	<p>In Schedule 12, the entry relating to the Adoption Act 1958.</p>
1978 c. 22.	Domestic Proceedings and Magistrates' Courts Act 1978.	<p>Section 74(1) and (3).</p> <p>In section 90(2), the words " 74(1) and (3) " and " 17 and 18 ".</p> <p>In Schedule 2, paragraphs 17 and 18.</p>