

2003 No. 1255

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES ENGLAND AND WALES**

The Registration of Foreign Adoptions Regulations 2003

<i>Made</i> - - - - -	<i>7th May 2003</i>
<i>Laid before Parliament</i>	<i>8th May 2003</i>
<i>Coming into force</i> - -	<i>1st June 2003</i>

The Registrar General, in exercise of the powers conferred upon him by section 67(5) of, and paragraph 3(2), (3) and (4) of Schedule 1 to, the Adoption Act 1976(a), as extended by section 26(3) of the Welsh Language Act 1993(b), and of all other powers enabling him in that behalf, with the approval of the Chancellor of the Exchequer(c), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Foreign Adoptions Regulations 2003 and shall come into force on 1st June 2003.

(2) In these Regulations “the 1976 Act” means the Adoption Act 1976.

Registrable foreign adoption

2. For the purposes of paragraph 3(4) of Schedule 1 to the 1976 Act (meaning of registrable foreign adoption), the specified requirement is that at the time the Convention or overseas adoption is effected, the adoptive parent, or in the case of a married couple, both adoptive parents, are habitually resident in England or Wales.

Form of an entry in the Adopted Children Register

3. For the purposes of paragraph 3(2) of Schedule 1 to the 1976 Act (form of entry in the Adopted Children Register) the specified form—

- (a) in the case of an adopted child habitually resident in England, is the form set out in Schedule 1;
- (b) in the case of an adopted child habitually resident in Wales, is the form set out in Schedule 2.

(a) 1976 c. 36. Paragraphs 3 and 4 of Schedule 1 to the 1976 Act are amended by section 12(3) and (4) of the Adoption (Intercountry Aspects) Act 1999 (“the 1999 Act”). Paragraph 3(4) defines the term “specified”.

(b) 1993 c. 38.

(c) The approval of the Chancellor of the Exchequer is required by section 67(6) of the 1976 Act as amended by article 5(1) and paragraph 19 of Schedule 2 to the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273). The reference to paragraph 3 of Schedule 1 to the 1976 Act is inserted into section 67(6) of that Act by paragraph 3(6) of Schedule 2 to the 1999 Act.

Person who may make an application

4. For the purposes of paragraph 3(3) of Schedule 1 to the 1976 Act (persons who may make an application), the specified persons are—
- (a) in the case of—
 - (i) an adoption by a married couple, one of the adoptive parents of the adopted child;
 - (ii) an adoption by one person, the adoptive parent of the adopted child;
 - (b) any other person who has parental responsibility within the meaning of section 3 of the Children Act 1989(a) for the adopted child;
 - (c) the adopted child who has attained the age of 18 years.

Application

5.—(1) An application under paragraph 3 of Schedule 1 to the 1976 Act (entry of registrable foreign adoptions in Adopted Children Register) shall be made in the manner specified in this regulation.

- (2) An application must be—
 - (a) made in writing; and
 - (b) signed by the person making the application.
- (3) An application made in accordance with paragraph (2) shall be sent to the Registrar General together with—
 - (a) in the case where the application is not in English or Welsh, a translation into English of that application;
 - (b) in the case of a Convention adoption(b), the copy of the certificate sent to the adoptive parents by the relevant Central Authority in accordance with regulation 22 of the Intercountry Adoption (Hague Convention) Regulations 2003(c); and
 - (c) in the case of an overseas adoption(d), the evidence in accordance with article 4 of the Adoption (Designation of Overseas Adoptions) Order 1973(e), that the adoption has been effected.

Particulars to be given in the application

6.—(1) An application made under paragraph 3 of Schedule 1 to the 1976 Act shall contain the particulars specified in this regulation.

- (2) Subject to paragraphs (3) and (4), the specified particulars are—
 - (a) date of birth of the adopted child;
 - (b) place and country of birth of adopted child;
 - (c) gender of the adopted child;
 - (d) full name and any previous names of the adopted child;
 - (e) full name and any previous names of the natural father and natural mother;
 - (f) in the case of an adoption by a married couple, the full name, any previous names, address and occupation of the adoptive mother and adoptive father;
 - (g) in the case of an adoption by one person, the full name, any previous names, address and occupation of the adoptive parent;
 - (h) the date on which the Convention adoption or overseas adoption was effected; and
 - (i) the capacity in which the person is making the application.
- (3) In a case where the person making the application does not know the full particulars specified in paragraph (2), that person shall state in the appropriate place in the application the extent to which such particulars are not known.

(a) 1989 c. 41.

(b) The term “Convention adoption” is defined in section 72(1) of the 1976 Act as amended by section 8 of the 1999 Act.

(c) S.I. 2003/118.

(d) The term “overseas adoption” is given a meaning by virtue of section 72(2) of the 1976 Act as amended by paragraph 3(8) of Schedule 2 to the 1999 Act and section 87(1)(b) and (4) of the Adoption and Children Act 2002.

(e) S.I. 1973/19; relevant amending instrument is S.I. 1993/690.

(4) In a case where an application is translated into English, the translated version of that application shall be duly signed and endorsed by the translator with the following particulars—

- (a) the name, address and occupation of translator; and
- (b) a statement to the effect that the translation is true and accurate.

Signed by the Registrar General

7th May 2003

Len Cook

I approve,

Signed by authority of the Chancellor of the Exchequer

7th May 2003

Ruth Kelly

SCHEDULE 1

Regulation 3(a)

Form of entry to be made in the Adopted Children Register in respect of a registrable foreign adoption (England)

1. No. of entry
2. Date and place and country of birth of child
3. Name and surname of child
4. Sex of child
5. Name and surname address and occupation of adopter or adopters
6. Date of adoption order or date the adoption was effected and description of court or by whom effected
7. Date of entry
8. Signature of officer deputed by Registrar General to attest the entry

SCHEDULE 2

Regulation 3(b)

Form of entry to be made in the Adopted Children Register in respect of a registrable foreign adoption (Wales)

1. No. of entry Rhif y gofnod	
2. Date Dyddiad	and place and country of birth of child a'r man a'r wlad lle ganwyd y plentyn
3. Name and surname of child Enw a chyfenw y plentyn	
4. Sex of child Rhyw y plentyn	
5. Name and surname Enw a chyfenw address cyfeiriad and occupation of adopter or adopters a gwaith y mabwysiadwr neu'r mabwysiadwyr	
6. Date of adoption order or date the adoption was effected Dyddiad y gorchymyn mabwysiadu neu y dyddiad effeithiol i'r mabwysiad and description of court or by whom effected a disgrifiad o'r llys neu gan pwy gafodd ei effeitholi	
7. Date of entry Dyddiad y gofnod	
8. Signature of officer deputed by Registrar General to attest the entry Llofnod y swyddog a benodwyd gan y Cofrestrydd Cyffredinol i ardystio'r gofnod	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedure to be followed before the Registrar General is able to make an entry of a registrable foreign adoption in the Adopted Children Register.

Regulation 2 specifies the requirement that a registrable foreign adoption must satisfy.

Regulation 3 and Schedules 1 (English version) and 2 (Welsh version) specify the form in which an entry in the Adopted Children Register must be made.

Regulation 4 specifies who may make an application relating to a child adopted under a registrable foreign adoption to enable an entry in the Adopted Children Register to be made.

Regulation 5 specifies the manner in which an application should be made to enable an entry in the Adopted Children Register to be made.

Regulation 6 specifies the particulars that must be given in the application to enable an entry to be made in the Adopted Children Register.

These Regulations do not impose a charge on business.

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