
STATUTORY INSTRUMENTS

2003 No. 921

**The Paternity and Adoption Leave
(Adoption from Overseas) Regulations 2003**

**PART I
GENERAL**

Interpretation

4.—(1) Regulation 2 of the Leave Regulations shall be modified in accordance with the following paragraphs of this regulation.

(2) In paragraph (1),

(a) for the definition of “adopter”, substitute—

““adopter”, in relation to a child, means a person by whom the child has been or is to be adopted or, in a case where the child has been or is to be adopted by two people jointly, whichever of them has elected to take adoption leave in respect of the child;” and

(b) in the appropriate places in alphabetical order insert—

““adoption from overseas” means the adoption of a child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom;”

““enter Great Britain” means enter Great Britain from outside the United Kingdom in connection with or for the purposes of adoption, and cognate expressions shall be construed accordingly;”

““official notification” means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent;” and

““relevant domestic authority” means—

(a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003(1) apply and who is habitually resident in Wales, the National Assembly for Wales;

(b) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003(2) apply and who is habitually resident in Scotland, the Scottish Ministers; and

(1) S.I.2003/118.

(2) S.S.I. 2003/19.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(c) in any other case, the Secretary of State;”.

(3) For paragraph (4) substitute—

“(4) For the purposes of these Regulations, in a case where a child is to be adopted by two people jointly, a person elects to be a child’s adopter, if he and the other person agree, at the time when the official notification is received, that he and not the other person will be the adopter.”