
EXPLANATORY NOTE

(This note is not part of the Order)

This Order comes into force on 3rd January 2014. It revokes and replaces the Adoption (Designation of Overseas Adoptions) Order 1973 ('the 1973 Order') and revokes the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993 ('the 1993 Order').

Article 2 provides that an adoption, other than a Convention adoption, effected under the law of a country or territory listed in the Schedule to the Order is designated as an 'overseas adoption' for the purposes of section 87 of the Adoption and Children Act 2002 ('the 2002 Act') and therefore recognised as an 'adoption' under section 66 of the 2002 Act. For the purposes of Article 2 'law' does not include customary or common law.

Article 3 provides that the documents that may be produced as evidence that an overseas adoption has been effected are documents purporting to be a certified copy made, in accordance with the law of the country or territory concerned, in the public register of adoptions or a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by that country or territory to sign such a certificate.

Article 4(1) revokes the 1973 Order and the 1993 Order. The effect of the revocations coupled with this Order is to update the list of countries and territories whose adoption orders are classed as 'overseas adoptions' in England and Wales. Article 4(2) provides for a savings provision in respect of any adoption that was recognised as an overseas adoption under the 1973 Order before it was revoked. Any adoption that was recognised as an overseas adoption prior to the coming into force of this Order continues to be recognised as such.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.