

2004 No. []

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES**

ENGLAND AND WALES

**The Adopted Children and Adoption Contact Registers
Regulations 2004**

Made - - - - - []

Laid before Parliament []

Coming into force - - -

The Registrar General in exercise of the powers conferred upon him by sections 78(3) to 79(5), (7) and (8), 80(2),(4) and (6) of, and paragraphs 1(1) and 3(3) to (5) of Schedule 1 and paragraph 1(1) of Schedule 2 to, the Adoption and Children Act 2002(a), as extended by section 26(3) of the Welsh Language Act 1993(b), with the approval of the Chancellor of the Exchequer, hereby makes the following Regulations:

**PART 1
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Adopted Children and Adoption Contact Registers Regulations 2004 and shall come into force on XX

(2) In these Regulations –

“the 2002 Act” means the Adoption and Children Act 2002;

“a foreign adoption application” is an application under paragraph 3 of Schedule 1 to the 2002 Act.

Revocation

2. The following regulations are revoked—

(a) Sections 78(3), 79(9) and 81(4) of the 2002 Act provide that “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Chancellor of the Exchequer.
(b) 2002 c.38

Fees

- 3.—(1) The fee payable for the entry of information under regulation 8 is £15.
- (2) The fee payable for the entry of information under regulation 9 is £30
- (3) The fee payable for the information under regulation 12 is £[10].

PART 2

ADOPTED CHILDREN REGISTER

Form of an entry in the Adopted Children Register.

4. The entry to be made in the Adopted Children Register shall be —
 - (a) pursuant to a direction in an adoption order made by —
 - (i) a court sitting in England, in the form set out in Schedule 1,
 - (ii) a court sitting in Wales, in the form set out in Schedule 2;
 - (b) pursuant to a foreign adoption application —
 - (i) in the case of an adopted child habitually resident in England in the form set out in Schedule 1,
 - (ii) in the case of an adopted child habitually resident in Wales in the form set out in Schedule 2.

Meaning of registrable foreign adoption

5. For the purposes of paragraph 3(5) of Schedule 1 to the 2002 Act (“meaning of registrable foreign adoption”) the prescribed requirement is that at the time the Convention adoption or overseas adoption is effected, the adoptive parent or parents are habitually resident in England or Wales.

Persons who may make an application to register a registrable foreign adoption

6. A foreign adoption application may be made by —
 - (a) the adoptive parent or if there is more than one, one of the adoptive parents;
 - (b) any other person who has parental responsibility within the meaning of section 3 of the Children Act 1989 (a);
 - (c) the adopted person if over 18 years old.

Manner of application, prescribed documents and other information for a foreign adoption application

- 7.—(1) A foreign adoption application must be made in writing.
- (2) The applicant must provide the following documents and other information
 - (a) in the case of a Convention adoption, the certificate or certified copy sent to the adoptive parents by the relevant central authority in accordance with [regulations made under section 1 of the Adoption (Intercountry Aspects) Act 1999], and the date on which the adoption was effected;
 - (b) in the case of an overseas adoption, the evidence in accordance with [the Order made under section 87 of the 2002 Act], that the adoption has been effected, and the date on which it was effected;

- (c) subject to paragraph (3), the adopted child's:
 - (i) full name and surname given on adoption and any previous names,
 - (ii) sex,
 - (iii) date of birth;
 - (iv) place and country of birth;
 - (d) the full name and any previous names of the natural father and natural mother;
 - (e) the full name, any previous names, address and occupation of the adoptive parent or parents;
 - (f) the capacity in which the person is making the application.
- (3) Where the applicant does not know the information specified in sub-paragraphs (c) to (e) of paragraph (2) he shall state the extent to which such information is not known.
- (4) Where any of the above documents or information is not in English or Welsh, the applicant shall provide a translation into English of the application signed and endorsed by the translator with the following particulars —
- (a) the name, address, and occupation of the translator, and
 - (b) a statement to the effect that the translation is true and accurate.

PART 3

ADOPTION CONTACT REGISTER

Part 1 of the Adoption Contact Register

8. Part 1 of the Adoption Contact Register is to contain the names, addresses, and dates of birth of adopted persons who have given notice in the form set out in Schedule 3, together with the following information:

- (a) the named relationship, and name if known, of any relative whom they wish to contact,
- (b) the named relationship, and name if known, of any relative whom they do not wish to contact.

Part 2 of the Adoption Contact Register

9. Part 2 of the Adoption Contact Register is to contain the names, addresses and dates of birth of relatives^(a) of adopted persons who have given notice in the form set out in Schedule 4, together with the following information:

- (a) the name of the adopted person whom they wish to contact, or
- (b) the fact that they do not want contact with the named adopted person.

Notification of link

10. The Registrar General shall give an adopted person whose name is in Part 1 of the Register, the name and address of any relative of his whose name is in Part 2 of the register, who has asked for contact with that adopted person. **(b)**.

(a) "relative" is defined for these purposes by section 81(2) as any person who (but for the adoption) would be related to the adopted person by blood (including half blood) or marriage.

(b) In accordance with section 81(3) of the 2002 Act the Registrar General must not give any information entered in the register to any person except in accordance with these regulations or regulations made under section 64(4)b) of the 2002 Act.

PART 4
INFORMATION FROM THE REGISTERS

Particulars required to obtain a certified copy of an entry in the Adopted Children Register relating to a person under the age of 18

11. A person is not entitled to have a certified copy of an entry in the Adopted Children Register relating to an adopted person who has not attained the age of 18 years unless the applicant has provided the Registrar General with the following particulars:

- (a) all names of the adopted person;
- (b) the surname of the adopted person;
- (c) the date of birth of the adopted person; and
- (d) the full name of the adoptive parent or parents.

Application by adoption agency for information (a)

12. An appropriate adoption agency (b) may apply in writing to the Registrar General for any information kept relating to the connection between any entry in the registers of live-births or other records which has been marked “Adopted” and any corresponding entry in the Adopted Children Register, and any other information which would enable an adopted person to obtain a certified copy of the record of his birth.

Pre-commencement adoptions (c)

13. A person over 18 years old adopted before [appointed day] may apply in writing to the Registrar General for any information necessary to enable him to obtain a certified copy of the record of his birth

Application by adopted person under the age of 18 who intends to marry

14. An adopted person under 18 years who intends to marry may apply in writing to the Registrar General for information as to whether the applicant and the person whom he intends to marry may be within the prohibited degrees of relationship for the purposes of the Marriage Act 1949 (d).

Date

Signed by the Registrar General

Approved and signed by authority of the Chancellor of the Exchequer

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- (a) Regulations made under section 64 of the 2002 Act may require adoption agencies to give or seek prescribed information to or from the Registrar-General, and may require the Registrar General to disclose to the appropriate adoption agency any information which he requires about any entry relating to an adopted person on the Adoption Contact Register.
 - (b) “Appropriate adoption agency” is defined by section 65(1) of the Act
 - (c) Regulations made under section 98 of the 2002 Act may confer functions on the Registrar General for the purpose of assisting persons over 18 adopted before the appointed day to obtain information in relation to their adoption, and facilitate contact between such persons and their relatives.
 - (d) 1949 c.

SCHEDULE 1

Regulation 4(a)(i) and (b)(i)

FORM OF ENTRY IN THE ADOPTED CHILDREN REGISTER (ENGLAND)

| |
|---|
| 1. No. of entry |
| 2. Date and place and country of birth of child (or registration district and sub-district). |
| 3. Name and surname of child |
| 4. Sex of child |
| 5. Name and surname address and occupation of parent/parents on adoption |
| 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 4(a)(ii) and (b)(ii)

FORM OF ENTRY IN THE ADOPTED CHILDREN REGISTER (WALES)

| |
|---|
| 1. No. of entry Rhif y gofnod |
| 2. Date and place and country of birth of child (or registration district and sub-district). Dyddiad a'r man a'r wlad lle ganwyd y plentyn (neu dosbarth cofrestru ac is-ddosbarth). |
| 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 parent/parents on adoption a gwaith y rhaint/rhieni ar fabwysiad |
| 6. Date of adoption order or date the adoption was effected Dyddiad y gorchymyn mabwysiadu neu y dyddiad effeithioli yr mabwysiad and description of court or by whom effected a disgrifiad o'r llys neu gan pwy gafodd ei effeithioli |
| 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 |

PRESCRIBED NOTICE FOR ENTRY IN PART 1 OF THE
ADOPTION CONTACT REGISTER

I [full name] of [full address] born on [] wish to have my name and address entered in Part 1 of the Adopted Children Register.

I wish to contact the following relatives;

[relationship of relative or relatives and names if known]

I do not wish to contact the following relatives:

[relationship of relative or relatives and names if known]

I understand that I may withdraw this notice at any time.

SCHEDULE 4

Regulation 9

PRESCRIBED NOTICE FOR ENTRY IN PART 2 OF THE ADOPTION CONTACT REGISTER

I [full name] of [full address] born on [] being the [relationship] of [name of adopted person], wish to have my name and address entered in Part 2 of the Adopted Children Register, as I wish/do not wish to contact [name of adopted person].

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters in respect of the Adopted Children Register, connections between that register and the registers of live-births, and the Adoption Contact Register.

