

## SCHEDULES

### SCHEDULE 1

Section 50.

#### REGISTRATION OF ADOPTIONS

##### *Registration of adoption orders*

- 1 (1) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in such form as the Registrar General 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) 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 England or Wales 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 Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word " Adopted ".
- (4) 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 England or Wales under this Act or any enactment at the time in force, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word " Re-adopted ".
- (5) Where an adoption order is made, the prescribed officer of the court which made the order shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

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

- 2 (1) Where the Registrar General is notified by the Registrar General for Scotland that an adoption order has been made by a court in Scotland in respect of a child to whom an entry in the Registers of Births or the Adopted Children Register relates, the Registrar General shall cause the entry to be marked " Adopted (Scotland)" or, as the case may be, " Re-adopted (Scotland)" ; and where, after an entry has been so marked, the Registrar General is notified as aforesaid that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.
- (2) Where the Registrar General 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

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order has been made in that country authorising the adoption of a child to whom an entry in the Registers of Births or the Adopted Children Register relates, he shall cause the entry to be marked with the word " Adopted " or " Re-adopted ", as the case may require, followed by the name, in brackets, of the country in which the order was made.

- (3) Where, after an entry has been so marked, the Registrar General 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 a copy or 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 an accurate copy if and only if both the marking and the cancellation are omitted therefrom.
- (4) The preceding provisions of this paragraph shall apply in relation to orders corresponding to orders under section 55 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.
- (5) Without prejudice to sub-paragraphs (2) and (3) where, after an entry in the Registers of Births has been marked in accordance with this paragraph, the birth is re-registered under section 14 of the Births and Deaths Registration Act 1953 (re-registration of births of legitimated children) the entry made on the re-registration shall be marked in the like manner.

#### *Registration of overseas adoptions*

- 3 If the Registrar General is satisfied that an entry in the Registers 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 sub-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 Registers 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.

#### *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,

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- 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 Registers of Births or the Adopted Children Register included in the order in pursuance of sub-paragraph (3) or (4) 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 prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar General 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 Registers 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 to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register, or the Registers of Births as the case may be, which was effected in pursuance of the order.
- (4) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section 50 shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto ; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.
- (5) If the Registrar General 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, any copy or 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.
- (6) In relation to an adoption order made by a magistrates' court, the reference in sub-paragraph (1) to the court by which the order has been made includes a reference to a court acting for the same petty sessions area.

*Marking of entries on re-registration of birth on legitimation*

- 5 (1) Without prejudice to section 52, where, after an entry in the Registers of Births has been marked with the word "Adopted" (with or without the addition of the word " (Scotland)"), the birth is re-registered under section 14 of the Births and Deaths Registration Act 1953 (re-registration of births of legitimated persons) the entry made on the re-registration shall be marked in the like manner.
- (2) Without prejudice to paragraph 4(5), where an entry in the Registers of Births is marked in pursuance of paragraph 3 and the birth in question is subsequently re-

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registered under the said section 14, the entry made on re-registration shall be marked in the like manner.

*Cancellations in Registers on legitimation*

6 Where an adoption order, other than a Convention adoption order, is revoked under section 52(1) or (2) the prescribed officer of the court shall cause the revocation to be communicated in the prescribed manner to the Registrar General 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 " (Scotland)") of any entry relating to him in the Registers of Births ;

and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

SCHEDULE 2

Section 73.

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 document, whether express or implied, to any enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding enactment of 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(3) and (4) a reference—

- (a) in the case of an order under the Adoption of Children Act 1926, to section 12(3) and (4) of the Adoption of Children Act 1949,

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- (b) in the case of an order under the Adoption Act 1950, to section 18(3) and (4) of that Act,
  - (c) in the case of an order under the Adoption Act 1958, to section 21(4) and (5) of that Act.
- (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 adoptor 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 52(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.

*Rights relating to property*

- 6 (1) Section 39—
- (a) does not apply to an existing instrument or enactment in so far as it contains a disposition of property, and
  - (b) does not apply to any public general Act in its application to any disposition of property in an existing instrument or enactment.
- (2) Sections 16 and 17 of the Adoption Act 1958, and provisions containing references to those sections shall continue to apply in relation to dispositions of property effected by existing instruments notwithstanding the repeal of those sections, and such provisions, by the Children Act 1975.
- (3) Section 46 shall apply in relation to this paragraph as if it were contained in Part IV.

*Payments relating to adoptions*

- 7 Section 57(7), (8) and (9) shall not have effect if, immediately before section 57 comes into force, there is in force in England and Wales an order under section 50(8) of the Adoption Act 1958.

*Registers of adoptions*

- 8 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 kept under section 50.

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## SCHEDULE 3

Section 73.

## CONSEQUENTIAL AMENDMENTS

## PART I

## AMENDMENTS EXTENDING ONLY TO ENGLAND AND WALES

*Children Act 1948 (c. 43)*

- 1 In section 2 of the Children Act 1948—
- (a) in subsection (8)(b), after the words " section 14 or 25 of the Children Act 1975" there are added the words " section 18 or 55 of the Adoption Act 1976 ";
- (b) in subsection (11), for the words " section 14 of the Children Act 1975 " and " section 25 " there are substituted respectively the words " section 18 of the Adoption Act 1976 " and " section 55 ".
- 2 In section 43(1) of the said Act of 1948, for the words from " Adoption Act 1958 " to the end there are substituted the words " the Children Act 1975 and the Adoption Act 1976 ".
- 3 In section 51(1) of the said Act of 1948, for the words " Part IV of the Adoption Act 1958 " there are substituted the words " section 34 of the Adoption Act 1976 ".

*Magistrates' Courts Act 1952 (c. 55)*

- 4 In section 56(1) of the Magistrates' Courts Act 1952, for paragraph (f) there is substituted the following paragraph—
- “(f) under Part II of the Children Act 1975 or under the provisions (other than section 34) of the Adoption Act 1976.”

*Children Act 1958 (c. 65)*

- 5 In section 2(4A) of the Children Act 1958, for the words from " by such" to the end there are substituted the words " by an adoption agency within the meaning of section 1 of the Adoption Act 1976 or section 1 of the Children Act 1975 or while he is a protected child within the meaning of Part III of the said Act of 1976. ".
- 6 In section 6(1) of the said Act of 1958, in paragraph (f), after the words " section 43 of the Adoption Act 1958 " there are added the words " or section 34 of the Adoption Act 1976 ".

*County Courts Act 1959 (c. 22)*

- 7 In section 109(2) of the County Courts Act 1959, after paragraph (h) there is added the following paragraph—
- “(i) any proceedings under Part II or section 29 or 55 of the Adoption Act 1976.”

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*Children and Young Persons Act 1963 (c. 37)*

- 8 In section 23(1)(c) of the Children and Young Persons Act 1963 for the words " section 43 of the Adoption Act 1958 " there are substituted the words " section 34 of the Adoption Act 1976 ".

*Health Services and Public Health Act 1968 (c. 46)*

- 9 In section 64(3)(a) of the Health Services and Public Health Act 1968 there is added at the end the following paragraph—

“(xviii) the Adoption Act 1976.”

- 10 In section 65(3)(b) of the said Act of 1968 there is added at the end the following paragraph—

“(xix) the Adoption Act 1976”.

*Children and Young Persons Act 1969 (c. 54)*

- 11 In section 21A of the Children and Young Persons Act 1969 for the references to sections 14 and 25 of the Children Act 1975 there are substituted references to section 18 and 55 respectively of this Act.

- 12 In section 58(1) of the said Act 1969—

(a) in paragraph (bb) after the words " Children Act 1975 " there are inserted the words " or section 1 of the Adoption Act 1976 ";

(b) in paragraph (e) for the words "Part IV of the Adoption Act 1958 " there are substituted the words " Part III of the Adoption Act 1976 ".

- 13 In section 63(6) of the said Act of 1969 at the end there is added the following paragraph—

“(j) the Adoption Act 1976.”.

*Administration of Justice Act 1970 (c. 31)*

- 14 In Schedule 1 to the Administration of Justice Act 1970 for the words " Adoption Acts 1958 and 1968 " there are substituted the words " Adoption Act 1976 " , and at the end of that Schedule there is added the following paragraph—

“Proceedings on appeal under Part II or section 29 or 55 of the Adoption Act 1976.”.

*Local Authority Social Services Act 1970 (c. 42)*

- 15 In Schedule 1 to the Local Authority Social Services Act 1970, the following is added at the end—

“Adoption Act 1976 (c. 36)

Maintenance of Adoption Service ; functions of local authority as adoption agency ; applications for orders freeing children for adoption; inquiries carried out by local authorities in adoption cases ; care, possession and supervision of children awaiting adoption.”.

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*Guardianship of Minors Act 1971 (c. 3)*

- 16 In section 9(6) of the Guardianship of Minors Act 1971, for the words from " (within" to the end there are substituted the following words " by virtue of an order under section 18 of the Adoption Act 1976 (orders in England and Wales) or section 14 of the Children Act 1975 (orders in Scotland) ".

*Immigration Act 1971 (c. 77)*

- 17 In section 33(1) of the Immigration Act 1971, in the definition of " legally adopted ", for the words " section 4 of the Adoption Act 1968 " there are substituted the words " section 72(2) of the Adoption Act 1976 ".

*Legal Aid Act 1974 (c. 4)*

- 18 In Schedule 1 to the Legal Aid Act 1974 in paragraph 3(d) for the words " Part I of the Children Act 1975 " there are substituted the words " Part II or section 29 or 55 of the Adoption Act 1976 ".

*Children Act 1975 (c. 72)*

- 19 In section 37(1) of the Children Act 1975 for the words " section 12 " and " section 24(6) " there are substituted respectively the words " section 16 of the Adoption Act 1976 " and " section 17(6) of that Act ".
- 20 In section 60(6) of the said Act of 1975 after the words " section 14 " and " section 25 " there are added the words " section 18 of the Adoption Act 1976 " and "section 55 of that Act " respectively.
- 21 In section 98(1)(b) of the said Act of 1975 at the end there are added the words " within the meaning of section 1 of the Adoption Act 1976 ".
- 22 In section 103(1)(a) of the said Act of 1975 for paragraph (i) there is substituted the following paragraph—  
“(i) section 65 of the Adoption Act 1976 ;”.

*Legitimacy Act 1976 (c. 31)*

- 23 In section 4 of the Legitimacy Act 1976,  
(a) in subsection (1), for the words "Paragraph 3 of Schedule 1 to the Children Act 1975 " there are substituted the words " Section 39 of the Adoption Act 1976 ";
- (b) in subsection (2)(a), for the words "sub-paragraph (2) of the said paragraph 3" there are substituted the words " subsection (2) of the said section 39 ";
- (c) in subsection (2)(b), for the words "Part II of the said Schedule 1" there are substituted the words " section 39, 41 or 42 of the Adoption Act 1976 ".
- 24 In section 6(2) of the said Act of 1976, for the words " paragraph 6(2) of Schedule 1 to the Children Act 1975" there are substituted the words " section 42(2) of the Adoption Act 1976 ".



## PART II

### AMENDMENTS EXTENDING ONLY TO SCOTLAND

#### *Children Act 1958 (6 & 7 Eliz. 2 c. 65)*

- 25 In section 2(4A) of the Children Act 1958, after the words " Children Act 1975 " there are inserted the words " or in Part I of the Adoption Act 1976 ".
- 26 In section 6(1) of the said Act of 1958, in paragraph (f), after the words " section 43 of the Adoption Act 1958 " there are added the words " or section 34 of the Adoption Act 1976 ".

#### *Adoption Act 1958 (7 & 8 Eliz. 2 c. 5)*

- 27 In section 22(4A) of the Adoption Act 1958, in paragraph (b) after the word " 1975 " there are inserted the words " or under section 3 of the Adoption Act 1976 ".
- 28 In section 29(2) of the said Act of 1958 after the word " 1975 " there are inserted the words " or the Adoption Act 1976 ".
- 29 In section 34 of the said Act of 1958 the following subsections are added after subsection (3)—
- “(4) This section, except subsection (3), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (5) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 27 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 30 In section 34A of the said Act of 1958 the following subsections are inserted after subsection (6)—
- “(6A) This section, except subsection (6), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (6B) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 28 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 31 In section 37 of the said Act of 1958, the following subsection is inserted after subsection (1)—
- “(2) A child shall be deemed to be a protected child within the meaning of this Part of this Act if he is a protected child within the meaning of section 32(1) of the Adoption Act 1976.”
- 32 In section 52(1) of the said Act of 1958, after the word " 1975 " there are inserted the words " or section 55 of the Adoption Act 1976 ".
- 33 In section 57 of the said Act of 1958 the following subsection is inserted after subsection (1)—
- “(1A) In sections 22, 29, 34 to 37 and 40(4) of this Act—

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- (a) "adoption agency" includes an adoption agency within the meaning of section 1 of the Adoption Act 1976,
- (b) except in sections 34 and 34A "adoption order" includes an order under section 12 of the Adoption Act 1976,
- (c) "local authority" includes the council of a county (other than a metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London."

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

- 34 In section 16(3) and (11)(b) of the Social Work (Scotland) Act 1968, after the words "Children Act 1975" there are added the words "or under section 18 or 55 of the Adoption Act 1976".

*Adoption Act 1968 (c. 53)*

- 35 In section 6 of the Adoption Act 1968 the following subsection is inserted after subsection (4)—

“(4A) Any order or decision of the High Court on an application under subsection (2) of section 53 of the Adoption Act 1976 shall be recognised and have effect as if it were an order or decision of the Court of Session on an application under subsection (3) of this section.”

- 36 In section 11(1) of the said Act of 1968, in the definition of "the court", the words "the High Court or" shall cease to have effect.

*Children Act 1975 (c. 72)*

- 37 In section 8(3) of the Children Act 1975, for the words "the order" in the first place where they occur there are substituted the words "the adoption order".

- 38 In section 12(1) of the said Act of 1975, after paragraph (a) there is inserted the following paragraph—

“(aa) he is the subject of an order under section 18 of the Adoption Act 1976; or”

- 39 In section 16(3)(c) after the words "section 8(3)(b)" there are inserted the words "or section 12(3)(b) of the Adoption Act 1976".

- 40 In section 23 of the said Act of 1975, after the words "this section" there are inserted the words "or under Part II of the Adoption Act 1976".

- 41 In section 25(4) of the said Act of 1975 after the words "this section" there are inserted the words "or under section 55 of the Adoption Act 1976".

- 42 In section 100(9)(a)(ii) after the words "section 14" there are added the words "or under section 18 of the Adoption Act 1976".

- 43 In section 107 of the said Act of 1975—

- (a) in subsection (1), in the definition of "British Adoption Order" after the words "an adoption order" there are inserted the words "an order under section 12 of the Adoption Act 1976"; and
- (b) the following subsection is inserted after subsection (2)—

“(2A) In this Act—

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- (a) in sections 9, 14 to 16, 18, 22 and 23, " adoption agency " includes an adoption agency within the meaning of section 1 of the Adoption Act 1976 (adoption agencies in England and Wales);
- (b) in sections 8(3) and (4), 14 to 16, 23 and 100(9), " adoption order " includes an order under section 12 of the Adoption Act 1976 (adoption orders in England and Wales);
- (c) in sections 9 and 18, " local authority " includes the council of a county (other than metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London;
- (d) in section 14(6) the reference to an order under that section shall be construed as including an order under section 18 of the Adoption Act 1976”.

44 In paragraph 7 of Schedule 2 to the said Act of 1975, in sub-paragraph (c), after the word " in " there are inserted the words " England, Wales, ".

#### SCHEDULE 4

##### REPEALS

Chapter	Short Title	Extent of Repeal
1958 c. 5 (7 & 8 Eliz. 2).	Adoption Act 1958.	The whole Act so far as unrepealed.
1959 c. 72.	Mental Health Act 1959.	In section 19(3), the words " or a protected child within the meaning of Part IV of the Adoption Act 1958 ".
1960 c. 59.	Adoption Act 1960.	The whole Act.
1964 c. 57.	Adoption Act 1964.	The whole Act.
1968 c. 46.	Health Services and Public Health Act 1968.	In section 64(3)(a), paragraphs (v) and (xii). In section 65(3)(b), paragraphs (v) and (xiii).
1968 c. 53.	Adoption Act 1968.	The whole Act.
1969 c. 54.	Children and Young Persons Act 1969.	In Schedule 5, paragraphs 33 to 36.
1970 c. 31.	Administration of Justice Act 1970.	In Schedule 1, the paragraph relating to appeals under section 10 of the Adoption Act 1958.
1970 c. 42.	Local Authorities Social Services Act 1970.	In Schedule 1, the paragraphs relating to the Adoption

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Chapter	Short Title	Extent of Repeal
1971 c. 3.	Guardianship of Minors Act 1971.	Act 1958 and Part I of the Children Act 1975. In Schedule 1, the paragraph relating to the Adoption Act 1958.
1972 c. 70. 1975 c. 72.	Local Government Act 1972. Children Act 1975.	In Schedule 23, paragraph 8. Part I. Section 100(4), (5) and (6). In section 102(1), the words "Part I except section 24(6) or " and paragraph (a). In section 107(1), the definitions of " adoption order", " adoption society ", "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). Schedules 1 and 2. In Schedule 3, paragraphs 6, 16(b), 17, 21 to 40, 44, 45, 61 to 65, and 74(a).
1976 c. 31.	Legitimacy Act 1976.	In Schedule 1, paragraph 7.