



# Family Law Act 1986

## 1986 CHAPTER 55

### PART III

#### DECLARATIONS OF STATUS

#### **57**      **Declarations as to adoptions effected overseas.**

- (1) Any person whose status as an adopted child of any person depends on whether he has been adopted by that person by either—
  - [<sup>F1</sup>(a) a Convention adoption, or an overseas adoption, within the meaning of the Adoption and Children Act 2002, or]
  - (b) an adoption recognised by the law of England and Wales and effected under the law of any country outside the British Islands,may apply to [<sup>F2</sup>the High Court or [<sup>F3</sup>the family court]] for one (or for one or, in the alternative, the other) of the declarations mentioned in subsection (2) below.
- (2) The said declarations are—
  - (a) a declaration that the applicant is for the purposes of section 39 of the Adoption Act 1976 [<sup>F4</sup>or section 67 of the Adoption and Children Act 2002] the adopted child of that person;
  - (b) a declaration that the applicant is not for the purposes of that section the adopted child of that person.
- (3) A court shall have jurisdiction to entertain an application under subsection (1) above if, and only if, the applicant—
  - (a) is domiciled in England and Wales on the date of the application, or
  - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date.
- (4) Until the Adoption Act 1976 comes into force—
  - (a) subsection (1) above shall have effect as if for the reference to section 72(2) of that Act there were substituted a reference to section 4(3) of the <sup>M1</sup>Adoption Act 1968; and

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*Changes to legislation: Family Law Act 1986, Section 57 is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) subsection (2) above shall have effect as if for the reference to section 39 of that Act there were substituted a reference to Part II of Schedule I to the <sup>M2</sup>Children Act 1975.

#### Textual Amendments

- F1** S. 57(1)(a) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 49(a)** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)
- F2** Words in s. 57(1) substituted (1.4.2001) by 2000 c. 19, s. 83, **Sch. 8 para. 6** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
- F3** Words in s. 57(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 99**; S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 57(2)(a) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 49(b)** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)

#### Marginal Citations

- M1** 1968 c. 53.  
**M2** 1975 c. 72.

**Changes to legislation:**

Family Law Act 1986, Section 57 is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1)(ca)-(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 7](#)
- s. 2A(1)(1A) substituted for s. 2(1) by [1996 c. 27 Sch. 8 para. 37\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 19(1A)-(1C) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 8](#)
- s. 29A inserted by [2020 asp 16 s. 29\(2\)](#)
- s. 38(4) inserted by [1996 c. 27 Sch. 8 para. 37\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))