



# Adoption (Intercountry Aspects) Act 1999

## 1999 CHAPTER 18

### *Convention adoptions*

#### **4 Effect of Convention adoptions in England and Wales.**

(1) In subsection (1) of section 38 of the 1976 Act (meaning of “adoption” for purposes of provisions relating to status of adopted children), after paragraph (c) there shall be inserted—

“(cc) which is a Convention adoption;”.

(2) In subsection (2) of section 39 of that Act (status conferred by adoption), for “subsection (3)” there shall be substituted “subsections (3) and (3A)”.

(3) After subsection (3) of that section there shall be inserted—

“(3A) Where, in the case of a Convention adoption, the High Court is satisfied, on an application under this subsection—

- (a) that under the law of the country in which the adoption was effected the adoption is not a full adoption;
- (b) that the consents referred to in Article 4(c) and (d) of the Convention have not been given for a full adoption, or that the United Kingdom is not the receiving State (within the meaning of Article 2 of the Convention); and
- (c) that it would be more favourable to the adopted child for a direction to be given under this subsection,

the Court may direct that subsection (2) shall not apply, or shall not apply to such extent as may be specified in the direction.

In this subsection “full adoption” means an adoption by virtue of which the adopted child falls to be treated in law as if he were not the child of any person other than the adopters or adopter.

(3B) The following provisions of the <sup>M1</sup>Family Law Act 1986—

- (a) section 59 (provisions relating to the Attorney General); and
- (b) section 60 (supplementary provision as to declarations),

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**Changes to legislation:** There are currently no known outstanding effects for the Adoption (Intercountry Aspects) Act 1999, Section 4. (See end of Document for details)

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shall apply in relation to, and to an application for, a direction under subsection (3A) as they apply in relation to, and to an application for, a declaration under Part III of that Act.”

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**Commencement Information**

**I1** S. 4 in force at 1.6.2003 for E.W. by S.I. 2003/189, art. 2(2)(c)

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**Marginal Citations**

**M1** 1986 c. 55.

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