

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Adoption

#### *Chapter 3 - Placement for Adoption and Adoption Orders*

#### *Section 55: Revocation of adoptions on legitimisation*

158. *Section 55* provides that an adoption order may, on application, be revoked in circumstances where a child is legitimised by the marriage of his natural parents to each other.

#### **Disclosure of information in relation to a person’s adoption**

159. *Sections 56 to 65* introduce new provisions on the information that adoption agencies must keep in relation to a person’s adoption, the information that agencies must disclose to adopted adults on request, the information that courts must release to adopted adults on request and the information that adoption agencies may release to adopted adults, birth parents and others. Many of the provisions on the disclosure of information provide powers for the making of regulations to enable the necessary detail to be set out in secondary legislation.
160. These provisions cover the two types of information held under *section 56*– protected information (see *section 57*) and information which is not protected (see *section 58*).
161. The Act establishes a new system for access to protected information about adopted persons and others involved in their adoption. Currently information about an adopted person is held by three sources: the adopted person’s adoption agency, which would normally hold case details and other information; the Registrar General, who holds birth records and basic information about the adopted person’s adoption, such as his adoptive name and the names of his adoptive parents; and the court, which will hold reports submitted to it and records of the adoption proceedings. Under these provisions, whilst the Registrar General will retain his duty to maintain the Adopted Children Register and the Adoption Contact Register, the adoption agency will be the main “gateway” for access to this information.
162. Under the new system the adopted adult will have a right to certain information under *section 60*. A person may apply to the appropriate adoption agency as defined in *section 65(1)* for protected information about a person involved in an adoption, such as the adopted person, his birth parents or the adoption social worker. If the protected information is about an adult, *section 61* will apply. If the protected information is about a child or it is not possible to disclose protected information about an adult without also disclosing protected information about a child, *section 62* will apply. Regulations may be made to provide for determinations made by adoption agencies under these provisions to be reviewed by an independent panel constituted under *section 12*.

*These notes refer to the Adoption and Children Act 2002  
(c.38) which received Royal Assent on 7th November 2002*

163. These sections will only apply to adoptions that take place after the Act has been implemented. The arrangements for access to information for those adopted prior to the date of coming into force of *sections 56 to 65* will be provided for by *section 98*.