

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 5 - The Registers

207. *Chapter 5* deals with registration issues surrounding adoption and the duties placed upon the Registrar General.

Section 77: Adopted Children Register

208. *Section 77* places a duty upon the Registrar General to continue to maintain the Adopted Children Register and provides for entries to be made in the register. *Subsection (2)* provides that the Adopted Children Register is not to be open to public inspection or search. *Subsection (3)* provides that entries may not be made on the Register unless they are made by adoption orders or by the amendment of adoption orders (*subsection (6)* and Schedule 1). *Subsection (4)* provides that a certified copy of an entry on the Register is evidence of an adoption to which it relates. *Subsection (5)* provides that where the birth information is contained in the Adopted Children Register, a certified copy of that entry is to be treated as a certified copy of an entry in the registers of live births.

Section 78: Searches and copies

209. *Section 78* places a duty on the Registrar General to maintain an index of the Adopted Children Register at the General Register Office. *Subsection (2)* provides that any person may search the index of the Register and obtain a certified copy of any entry. However, 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 prescribed particulars have been provided to the Registrar General (*subsection (3)*). *Subsection (4)* provides that the terms, conditions and regulations as to payment of fees and otherwise applicable under the Births and Deaths Registration Act 1953, and the Registration Services Act 1953, are to apply in respect of searches, and supplies of certified copies, under *subsection (2)*.

Section 79: Connections between the register and birth records

210. *Section 79* places a duty on the Registrar General to make traceable 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. *Subsection (2)* provides that public access to this index is prohibited. *Subsection (3)* provides that any such information held under *subsections (1)* and *(2)*, and any other information which would enable an adopted person to obtain a certified copy of the record of his birth, may only be disclosed by the Registrar General in accordance with this section. *Subsection (4)* provides that in relation to a person adopted before the appointed day a court may in exceptional circumstances order the Registrar General to give such information to a person. The appointed day is defined in *subsection (9)* as the day

appointed for the commencement of sections 56 to 65. *Subsection (5)* provides that the Registrar General is to provide on application the appropriate adoption agency with any information mentioned in *subsection (3)*. *Subsection (6)* provides that for people adopted before the commencement of sections 56 to 65 Schedule 2 applies and *subsection (5)* does not.

211. *Subsection (7)* enables the Registrar General to make regulations to set out the manner in which applications must be made by an adopted person aged under 18 who intends to be married requesting information as to whether the person whom they intend to marry may be within the prohibited degrees of relationship for the purpose of the Marriage Act 1949. *Subsection (8)* enables the Registrar General to make regulations requiring the payment of a prescribed fee in respect of information given under [section 79](#).

Section 80: Adoption Contact Register

212. [Section 80](#) places a duty on the Registrar General to continue to maintain in accordance with regulations the Adoption Contact Register at the General Register Office. The Adoption Contact Register is a register in two Parts designed to facilitate contact between adopted persons and their birth relatives where both parties have expressed a wish for such contact. *Subsection (2)* enables the Registrar General to prescribe in regulations the information about adopted persons to be included in Part 1 of the Adoption Contact Register. *Subsection (3)* provides that the Registrar General may make an entry for an adopted adult in Part 1 of the Register if a record of his birth is kept by the Registrar General and he is satisfied that the adopted person has such information necessary to obtain a copy of his birth record. Under *subsection (4)*, the Registrar General is able to make regulations prescribing the information about relatives of adopted persons to be included in Part 2 of the Adoption Contact Register. It is intended that these regulations will cover information similar to that included in the regulations made under *subsection (2)*, such as names and addresses. *Subsection (5)* provides that the Registrar General may only make an entry in Part 2 of the Register for a person who has attained the age of 18 and if the Registrar General is satisfied that he is a relative of an adopted person and has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person's birth. *Subsection (6)* enables the Registrar General to make regulations providing for the disclosure of information contained in one Part of the Register to persons included in the other Part of the Register. Such regulations may provide, for example, that information held on the Register should only be given to the adopted person in order to enable them to make a choice as to whether to initiate contact with their relative(s). *Subsection (6)* also provides that regulations may be made by the Registrar General to set fees for the making or alteration of entries in the Register, and the disclosure of information contained in it.

Section 81: Adoption Contact Register: supplementary

213. [Section 81](#) provides that the Adoption Contact Register is not to be open to public inspection or search. [Section 81\(2\)](#) defines relatives. This definition will include, for example, parents, siblings, grandparents, great-grandparents, uncles, aunts, cousins, nephews and nieces including half blood or by marriage.

Section 82: Interpretation

214. [Section 82](#) provides interpretation in respect of the provisions in Chapter 5. It defines the terms "records" and "registers of live-births". It also provides that the Registrar General may maintain in any form any register, record or index he is required to keep under these provisions.