



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 5

#### THE REGISTERS

*Adopted Children Register etc.*

#### **77 Adopted Children Register**

- (1) The Registrar General must continue to maintain in the General Register Office a register, to be called the Adopted Children Register.
- (2) The Adopted Children Register is not to be open to public inspection or search.
- (3) No entries may be made in the Adopted Children Register other than entries—
  - (a) directed to be made in it by adoption orders, or
  - (b) required to be made under Schedule 1.
- (4) A certified copy of an entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, is to be received as evidence of the adoption to which it relates without further or other proof.
- (5) Where an entry in the Adopted Children Register contains a record—
  - (a) of the date of birth of the adopted person, or
  - (b) of the country, or the district and sub-district, of the birth of the adopted person,

a certified copy of the entry is also to be received, without further or other proof, as evidence of that date, or country or district and sub-district, (as the case may be) in all respects as if the copy were a certified copy of an entry in the registers of live-births.

*Changes to legislation: Adoption and Children Act 2002, Cross Heading: Adopted Children Register etc. is up to date with all changes known to be in force on or before 31 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*

- (6) Schedule 1 (registration of adoptions and the amendment of adoption orders) is to have effect.

#### Modifications etc. (not altering text)

- C1** S. 77 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

#### Commencement Information

- I1** S. 77(1)(2) (4)-(6) in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(e)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I2** S. 77(3) in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), **art. 2(1)(m)(vi)**
- I3** S. 77(3) in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), **art. 2(e)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

## 78 Searches and copies

- (1) The Registrar General must continue to maintain at the General Register Office an index of the Adopted Children Register.
- (2) Any person may—
- search the index,
  - have a certified copy of any entry in the Adopted Children Register.
- (3) But 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 the applicant has provided the Registrar General with the prescribed particulars.
- “Prescribed” means prescribed by regulations made by the Registrar General with the approval of [<sup>F1</sup>the Secretary of State].
- (4) The terms, conditions and regulations as to payment of fees, and otherwise, applicable under the Births and Deaths Registration Act 1953 (c. 20), and the Registration Service Act 1953 (c. 37), in respect of—
- searches in the index kept in the General Register Office of certified copies of entries in the registers of live-births,
  - the supply from that office of certified copies of entries in those certified copies,
- also apply in respect of searches, and supplies of certified copies, under subsection (2).

#### Textual Amendments

- F1** Words in s. 78(3) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 12(a)** (with art. 4)

#### Modifications etc. (not altering text)

- C2** S. 78 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**
- C3** S. 78(3): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 12(a)** (with art. 4)

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#### Commencement Information

- 14** S. 78(1)(2)(4) in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(e\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- 15** S. 78(3) in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(vi\)](#)
- 16** S. 78(3) in force at 30.12.2005 in so far as not already in force by [S.I. 2005/2213](#), [art. 2\(e\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

## 79 Connections between the register and birth records

- (1) The Registrar General must 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.
- (2) Information kept by the Registrar General for the purposes of subsection (1) is not to be open to public inspection or search.
- (3) Any such information, 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.
- (4) In relation to a person adopted before the appointed day the court may, in exceptional circumstances, order the Registrar General to give any information mentioned in subsection (3) to a person.
- (5) On an application made in the prescribed manner by the appropriate adoption agency in respect of an adopted person a record of whose birth is kept by the Registrar General, the Registrar General must give the agency any information relating to the adopted person which is mentioned in subsection (3).  
 “Appropriate adoption agency” has the same meaning as in section 65.
- (6) In relation to a person adopted before the appointed day, Schedule 2 applies instead of subsection (5).
- (7) On an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Registrar General and who—
  - (a) is under the age of 18 years, and
  - (b) intends to be married [<sup>F2</sup>or form a civil partnership],
 the Registrar General must inform the applicant whether or not it appears from information contained in the registers of live-births or other records that the applicant and [<sup>F3</sup>the intended spouse or civil partner] may be within the prohibited degrees of relationship for the purposes of the Marriage Act 1949 (c. 76) [<sup>F4</sup>or for the purposes of the Civil Partnership Act 2004 (c. 33)].
- (8) Before the Registrar General gives any information by virtue of this section, any prescribed fee which he has demanded must be paid.
- (9) In this section—
 

“appointed day” means the day appointed for the commencement of sections 56 to 65,

“prescribed” means prescribed by regulations made by the Registrar General with the approval of [<sup>F5</sup>the Secretary of State].

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### Textual Amendments

- F2** Words in s. 79(7)(b) inserted (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 79(8)(a)**, 263(2); [S.I. 2005/3175](#), art. 2(9)
- F3** Words in s. 79(7) substituted (30.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 79(8)(b)**, 263(2); [S.I. 2005/3175](#), art. 2(9)
- F4** Words in s. 79(7) inserted (30.12.2005) by [The Civil Partnership Act 2004 \(International Immunities and Privileges, Companies and Adoption\) Order 2005 \(S.I. 2005/3542\)](#), arts. 1(2), **4**
- F5** Words in s. 79(9) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 12(b)** (with art. 4)

### Modifications etc. (not altering text)

- C4** S. 79: transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 12(b)** (with art. 4)
- C5** S. 79(1)-(3) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**
- C6** S. 79(7)-(9) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 2, **Sch. 1**

### Commencement Information

- I7** S. 79 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(e)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I8** S. 79(5)(7)-(9) in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), **art. 2(1)(m)(vi)**

**Changes to legislation:**

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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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))