

Changes to legislation: Adoption and Children Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 16 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

SCHEDULES

SCHEDULE 2

Section 79(6)

DISCLOSURE OF BIRTH RECORDS BY REGISTRAR GENERAL

- 1 On an application made in the prescribed manner by an adopted person—
- (a) a record of whose birth is kept by the Registrar General, and
 - (b) who has attained the age of 18 years,
- the Registrar General must give the applicant any information necessary to enable the applicant to obtain a certified copy of the record of his birth.
- “Prescribed” means prescribed by regulations made by the Registrar General with the approval of [^{F1}the Secretary of State].

Textual Amendments

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

Commencement Information

- I1** Sch. 2 para. 1 in force at 7.12.2004 for specified purposes by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(vi\)](#)
- I2** Sch. 2 para. 1 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)

- 2 (1) Before giving any information to an applicant under paragraph 1, the Registrar General must inform the applicant that counselling services are available to the applicant—
- (a) from a registered adoption society, an organisation within section 144(3)(b) or an adoption society which is registered under Article 4 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)),
 - (b) if the applicant is in England and Wales, at the General Register Office or from any local authority or registered adoption support agency,
 - (c) if the applicant is in Scotland, from any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
 - (d) if the applicant is in Northern Ireland, from any [^{F2}Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I.))].
- [^{F3}(2) In sub-paragraph (1)(b), “registered adoption support agency” means—
- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14), or
 - (b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).]

[^{F4}(3)]

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- (4) If the applicant chooses to receive counselling from a person or body within sub-paragraph (1), the Registrar General must send to the person or body the information to which the applicant is entitled under paragraph 1.

Textual Amendments

- F2** Words in [Sch. 2 para. 2\(1\)\(d\)](#) substituted (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), **20(a)**
- F3** [Sch. 2 para. 2\(2\)](#) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **22**
- F4** [Sch. 2 para. 2\(3\)](#) omitted (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), **20(b)**

Commencement Information

- I3** [Sch. 2 para. 2](#) 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)

- 3 (1) Where an adopted person who is in England and Wales—
- (a) applies for information under paragraph 1 or Article 54 of the Adoption (Northern Ireland) Order 1987, or
 - (b) is supplied with information under [^{F5}section 55(4)(b) of the Adoption and Children (Scotland) Act 2007 (asp 4)],
- the persons and bodies mentioned in sub-paragraph (2) must, if asked by the applicant to do so, provide counselling for the applicant.
- (2) Those persons and bodies are—
- (a) the Registrar General,
 - (b) any local authority,
 - (c) a registered adoption society, an organisation within section 144(3)(b) or an adoption society which is registered under Article 4 of the Adoption (Northern Ireland) Order 1987.

Textual Amendments

- F5** Words in [Sch. 2 para. 3\(1\)\(b\)](#) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), [Sch. 1 para. 6\(8\)](#)

Commencement Information

- I4** [Sch. 2 para. 3](#) 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)

- 4 (1) Where a person—
- (a) was adopted before 12th November 1975, and
 - (b) applies for information under paragraph 1,
- the Registrar General must not give the information to the applicant unless the applicant has attended an interview with a counsellor arranged by a person or body from whom counselling services are available as mentioned in paragraph 2.

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- (2) Where the Registrar General is prevented by sub-paragraph (1) from giving information to a person who is not living in the United Kingdom, the Registrar General may give the information to any body which—
- (a) the Registrar General is satisfied is suitable to provide counselling to that person, and
 - (b) has notified the Registrar General that it is prepared to provide such counselling.

Commencement Information

- I5** [Sch. 2 para. 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)

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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))