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STATUTORY INSTRUMENTS

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**2013 No. 1801**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES**

**The Adoption (Recognition of Overseas Adoptions) Order 2013**

<i>Made</i>	- - - -	<i>18th July 2013</i>
<i>Laid before Parliament</i>		<i>22nd July 2013</i>
<i>Coming into force</i>	- -	<i>3rd January 2014</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 87(1) and (5), 140(7) and (8) and 142(5) of the Adoption and Children Act 2002<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the Adoption (Recognition of Overseas Adoptions) Order 2013 and comes into force on 3rd January 2014.

**Overseas adoptions**

2.—(1) An adoption of a child<sup>(2)</sup> is specified as an overseas adoption if it is an adoption effected under the law of a country or territory listed in the Schedule after the coming into force of this Order and is not a Convention adoption<sup>(3)</sup>.

(2) In this Article “law” does not include customary or common law.

**Evidence of an overseas adoption**

3.—(1) The following documents may be provided as evidence that an overseas adoption has been effected—

- (a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or
- (b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by the law of the country or territory concerned to sign such a certificate, or a certified copy of such a certificate.

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<sup>(1)</sup> 2002 (c.38).

<sup>(2)</sup> See section 144(1) of the Adoption and Children Act 2002 (“the Act”) for the definition of “child”.

<sup>(3)</sup> See section 144(1) of the Act for the definition of “the Convention”.

(2) Where a document produced by virtue of paragraph (1) is not in English, the Registrar General may require the production of an English translation of the document before being satisfied of the matters specified in paragraph 3 of Schedule 1 to the Adoption and Children Act 2002(4).

(3) Nothing in this Article may be construed as precluding proof, in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(5), or the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(6), or otherwise, that an overseas adoption has been effected.

### **Revocations and savings provision**

4.—(1) The Adoption (Designation of Overseas Adoptions) Order 1973(7) ('the 1973 Order') and the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993(8) are revoked.

(2) The revocations do not affect any adoption designated as an overseas adoption by virtue of the 1973 Order prior to the coming into force of this Order.

*Edward Timpson*  
Parliamentary Under Secretary of State for  
Children and Families  
Department for Education

18th July 2013

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(4) Paragraph 3(6) was amended by [S.I. 2008/678](#).

(5) [1933 \(c.4\)](#). Section 1 was amended by section 5 of the Oaths and Evidence (Overseas Authorities and Countries) Act [1963 \(c.27\)](#) and section 2 was repealed by section 34 of, and Part 2 of Schedule 4 to, the British Nationality Act [1948 \(c.56\)](#).

(6) [1963 \(c.27\)](#). Section 4 was repealed by section 8(2) of, and Schedule 2 to, the Evidence (Proceedings in Other Jurisdictions) Act [1975 \(c.34\)](#).

(7) [S.I. 1973/19](#), amended by Article 3 of [S.I. 1993/690](#).

(8) [S.I. 1993/690](#).

## SCHEDULE

Article 2(1)

Albania  
Andorra  
Armenia  
Australia  
Austria  
Azerbaijan  
Belarus  
Belgium  
Belize  
Bolivia  
Brazil  
Bulgaria  
Burkina Faso  
Burundi  
Canada  
Cape Verde  
Chile  
The People's Republic of China  
Colombia  
Costa Rica  
Cuba  
The Republic of Cyprus  
Czech Republic  
Denmark (including the Faroe Islands and Greenland)  
Dominican Republic  
Ecuador  
El Salvador  
Estonia  
Fiji  
Finland  
France  
Georgia  
Germany  
Greece  
Guinea  
Hungary  
Iceland  
India

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Republic of Ireland  
Israel  
Italy  
Kazakhstan  
Kenya  
Latvia  
Lesotho  
Liechtenstein  
Lithuania  
Luxembourg  
The Former Yugoslav Republic of Macedonia  
Madagascar  
Mali  
Malta  
Mauritius  
Mexico  
The Republic of Moldova  
Monaco  
Mongolia  
Montenegro  
The Netherlands (including the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba)  
New Zealand  
Norway  
Panama  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Romania  
Rwanda  
San Marino  
Senegal  
Seychelles  
Slovakia  
Slovenia  
South Africa  
Spain  
Sri Lanka

Swaziland  
Sweden  
Switzerland  
Thailand  
Togo  
Turkey  
The United States of America  
Uruguay  
Venezuela  
Vietnam

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order comes into force on 3rd January 2014. It revokes and replaces the Adoption (Designation of Overseas Adoptions) Order 1973 ('the 1973 Order') and revokes the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993 ('the 1993 Order').

Article 2 provides that an adoption, other than a Convention adoption, effected under the law of a country or territory listed in the Schedule to the Order is designated as an 'overseas adoption' for the purposes of section 87 of the Adoption and Children Act 2002 ('the 2002 Act') and therefore recognised as an 'adoption' under section 66 of the 2002 Act. For the purposes of Article 2 'law' does not include customary or common law.

Article 3 provides that the documents that may be produced as evidence that an overseas adoption has been effected are documents purporting to be a certified copy made, in accordance with the law of the country or territory concerned, in the public register of adoptions or a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by that country or territory to sign such a certificate.

Article 4(1) revokes the 1973 Order and the 1993 Order. The effect of the revocations coupled with this Order is to update the list of countries and territories whose adoption orders are classed as 'overseas adoptions' in England and Wales. Article 4(2) provides for a savings provision in respect of any adoption that was recognised as an overseas adoption under the 1973 Order before it was revoked. Any adoption that was recognised as an overseas adoption prior to the coming into force of this Order continues to be recognised as such.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.