

Adoption Act 1964

1964 CHAPTER 57

An Act to provide for effect to be given to certain adoption orders made outside Great Britain; to facilitate the proof of adoption orders in different parts of the United Kingdom; and for connected purposes.

[16th July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of enactments referring to adoption.

1.—(1) Any provision (however expressed) in any enactment passed before the commencement of this Act under which a person adopted in pursuance of an adoption order is for any purpose treated as the child of the adopter, or any other relationship is deduced by reference to such an order, shall have effect, as respects anything done or any event occurring after the commencement of this Act,—

(*a*) if it extends only to adoptions in pursuance of orders made in the United Kingdom, as extending also to adoptions in pursuance of orders made, whether before or after the commencement of this Act, in the Isle of Man or in any of the Channel Islands;

(*b*) if it extends only to adoptions in pursuance of orders made in England or in Great Britain, as extending also to adoptions in pursuance of orders made, whether before or after the commencement of this Act, elsewhere in the United Kingdom or in the Isle of Man or in any of the Channel Islands;

and section 17(3) of the Adoption Act 1958 and section 24(2) of the Succession (Scotland) Act 1964 (which enable trustees and personal representatives to convey or distribute property among the persons entitled thereto without ascertaining that no adoption order has been made which affects any interest

7 & 8 Eliz. 2. c. 5.
1964 c. 41.

therein) shall extend to any such order as is mentioned in this subsection.

(2) An order authorising adoption made outside Great Britain after the commencement of this Act shall also have the same effect as an adoption order—

(*a*) for the purposes of sections 14(2) (transfer of rights under certain insurance policies) and 25 (entries in parochial registers of baptism) of the said Act of 1958, if the order is made in Northern Ireland; and

(*b*) for the purposes of those sections and of section 15 (effect on affiliation orders &c.) of that Act, if the order is made in the Isle of Man or in any of the Channel Islands.

(3) An order authorising adoption made in the Isle of Man or in any of the Channel Islands shall have the same effect for the purposes of section 19 of the said Act of 1958 (citizenship) as an adoption order, if it is made after the commencement of this Act; and if such an order was made before the commencement of this Act in respect of a person who would have become a citizen of the United Kingdom and Colonies at the date of the order had this Act been then in force, he shall be a citizen of the United Kingdom and Colonies as from the commencement of this Act.

(4) Where a person adopted in pursuance of an order made, whether before or after the commencement of this Act, in Northern Ireland, the Isle of Man or in any of the Channel Islands has subsequently become a legitimated person, and the order is then revoked, the revocation shall not affect the operation of sections 16 and 17 of the said Act of 1958, or sections 23 and 24 of the said Act of 1964, as extended by subsection (1) of this section, in relation to an intestacy which occurred, or a disposition which was made, before the revocation.

(5) Any such provision as is mentioned in subsection (1) of this section which, by virtue of subsection (4) of section 53 of the said Act of 1958, applies in relation to orders under that section shall, as respects anything done after the commencement of this Act, apply also in relation to similar orders made, whether before or after the commencement of this Act, in Northern Ireland, the Isle of Man or any of the Channel Islands, and shall be construed accordingly; and any such order made after the commencement of this Act shall also have the same effect as an adoption order for the purposes of the provisions mentioned in subsection (2) of this section.

Evidence of adoptions etc.

2.—(1) Any document which under section 20(2) or section 22(2) of the Adoption Act 1958 or section 14(9) of the Adoption of Children Act (Northern Ireland) 1950 or any corresponding enactment of the Parliament of Northern Ireland for the time being in force is receivable as evidence of any matter in any part

of Great Britain or in Northern Ireland shall be so receivable also in the rest of Great Britain or, as the case may be, in Great Britain.

(2) In section 1(3) of the Fatal Accidents Act 1959 the words from " and for the purpose " to the end are hereby repealed. 7 & 8 Eliz. 2. c. 65.

Registration of adoptions outside Great Britain.

3.—(1) Where the Registrar General or the Registrar General for Scotland is notified by the authority maintaining a register of adoptions in Northern Ireland, the Isle of Man or any of the Channel Islands that an order has been made in that country authorising the adoption of an infant to whom an entry in the Registers of Births (or, as the case may be, the Register of Births) or the Adopted Children Register relates, he shall cause the entry to be marked with the word " Adopted " or " Re-adopted ", as the case may require, followed by the name, in brackets, of the country in which the order was made.

(2) Where, after an entry has been so marked, the Registrar General or the Registrar General for Scotland is notified as aforesaid that the order has been quashed, that an appeal against the order has been allowed or that the order has been revoked, he shall cause the marking to be cancelled; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this subsection, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) The preceding provisions of this section shall apply in relation to orders corresponding to orders under section 53 of the said Act of 1958 as they apply in relation to orders authorising the adoption of an infant; but any marking of an entry required by virtue of this subsection shall consist of the word " Provisionally " followed by the words mentioned in subsection (1) of this section.

(4) Without prejudice to subsections (2) and (3) of this section, where, after an entry in the Registers of Births or the Register of Births has been marked in accordance with this section, the birth is re-registered under section 14 of the Births and Deaths Registration Act 1953 or section 2 of the Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act 1934 (re-registration of birth of legitimated persons), the entry made on the re-registration shall be marked in the like manner. 1 & 2 Eliz. 2. c. 20. 24 & 25 Geo. 5. c. 19.

Short title, citation, construction and extent.

4.—(1) This Act may be cited as the Adoption Act 1964.

(2) This Act, the Adoption Act 1958 and the Adoption Act 1960 may be cited together as the Adoption Acts 1958 to 1964.

(3) This Act shall be construed as one with the Adoption Act 1958. 8 & 9 Eliz. 2. c. 59.

(4) This Act, except so far as it extends the operation of section 19 of the Adoption Act 1958, does not extend to Northern Ireland.