



Jersey

# **ADOPTION (JERSEY) LAW 1961**

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Jersey

## ADOPTION (JERSEY) LAW 1961

### Arrangement

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Jersey

## ADOPTION (JERSEY) LAW 1961<sup>1</sup>

A LAW relating to the adoption of children

Commencement [[see endnotes](#)]

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### PART 1

#### GENERAL

#### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“adoption order” has the meaning assigned to it by Article 10;

“adoption rules” has the meaning assigned to it by Article 18(2);

“Committee” means the Health and Social Services Committee;<sup>2</sup>

“Court” means the Inferior Number of the Royal Court;

“father”, in relation to an illegitimate infant, means the natural father;

“infant” means a person under the age of majority, but does not include a person who is or has been married;<sup>3</sup>

“mental nursing home” has the same meaning as in the Nursing and Residential Homes (Jersey) Law 1994;<sup>4</sup>

“panel” has the meaning assigned to it by Article 7;<sup>5</sup>

“prescribed” means prescribed by Adoption Rules;

“registered medical practitioner” means a physician or surgeon registered under the enactments for the time being regulating the exercise in Jersey of the profession of medical practitioner;

“relative”, in relation to an infant, means a grand-parent, brother, sister, uncle or aunt, whether of the full blood or half blood or by affinity, and includes –

- (a) where an adoption order has been made in respect of the infant or any other person by a court of competent jurisdiction in the British Islands any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;
  - (b) where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of the infant's mother and father.
- (2) For the purposes of this Law, the upper limit of the compulsory school age shall be construed in accordance with Article 2 of the Education (Jersey) Law 1999.<sup>6</sup>
- (3) For the purposes of this Law, a person shall be deemed to make arrangements for the adoption of an infant if the person enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise, or if the person initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if the person causes another to do so.
- (4) This Law applies to citizens of the Republic of Ireland as it applies to British subjects, and references in this Law to British subjects shall be construed accordingly.
- (5) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment; and in this paragraph "enactment" includes an enactment of the United Kingdom.<sup>7</sup>

## **2 Establishment of Adoption Service<sup>8</sup>**

- (1) The Committee shall establish and maintain in Jersey a service designed to meet the needs, in relation to adoption, of –
  - (a) infants who have been or may be adopted;
  - (b) parents and guardians of such infants; and
  - (c) persons who have adopted or may adopt an infant,and for that purpose shall provide the facilities referred to in paragraph (2), or secure that they are provided by approved adoption societies.
- (2) The facilities to be provided as part of the service maintained under paragraph (1) include –
  - (a) arrangements for assessing infants and prospective adopters, and placing infants for adoption;
  - (b) counselling for persons with problems relating to adoption.
- (3) The services maintained by the Committee under paragraph (1) may be collectively referred to as the "Adoption Service".

- (4) In paragraph (1) the reference to “approved adoption societies” is a reference to an adoption society approved under the Adoption Act 1976 of the United Kingdom and to that Committee of the States of Guernsey with the responsibility for matters relating to the adoption of infants.

**3 Duty to promote welfare of infant<sup>9</sup>**

In reaching any decision relating to the adoption of infants the Court or the Committee shall have regard to all the circumstances, first consideration being given to the need to safeguard and promote the welfare of the infant throughout the infant’s childhood, and shall, so far as practicable, ascertain the wishes and feelings of the infant regarding the decision and give due consideration to them, having regard to the infant’s age and understanding.

**4 Religious upbringing of adopted child<sup>10</sup>**

The Committee shall in placing an infant for adoption have regard, so far as is practicable, to any wishes of an infant’s parents and guardians as to the religious upbringing of the infant.

**5 Duty to use approved adoption societies<sup>11</sup>**

- (1) The Committee shall, if it cannot place an infant for adoption in Jersey or in Guernsey, use approved adoption societies for such placement.
- (2) In paragraph (1) “approved adoption society” means an adoption society approved under the Adoption Act 1976 of the United Kingdom.

**6 Restriction on arranging adoptions and placing of children<sup>12</sup>**

- (1) A person other than the Committee shall not make arrangements for the adoption of an infant, or place an infant for adoption, unless –
- (a) the proposed adopter is a relative of the infant; or
  - (b) the proposed adopter is acting in pursuance of an order of the Court.
- (2) A person who –
- (a) takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of infants;
  - (b) contravenes paragraph (1); or
  - (c) receives an infant placed with the person in contravention of paragraph (1),
- shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.
- (3) In any proceedings for an offence under paragraph (2)(a), proof of things done or of words written, spoken or published (whether or not in the

presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of infants on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

## **7 Adoption Panel<sup>13</sup>**

- (1) There is established an Adoption Panel (in this Law referred to as the “panel”) –
  - (a) to carry out such of the powers and duties of the Committee as may be determined pursuant to Article 8; and
  - (b) to recommend to the Committee where an allowance payable under Article 9 is appropriate.
- (2) Subject to paragraph (3), the panel shall comprise such members or officers of the Committee and such members of the public as the Committee shall from time to time think fit.
- (3) Nothing in paragraph (2) shall be construed as a requirement that a member of the Committee shall at all times be a member of the panel.

## **8 Delegation to the Panel<sup>14</sup>**

The Committee may delegate to the panel such of its powers and duties in relation to the maintenance of the Adoption Service as it may by Order determine.

## **9 Allowances<sup>15</sup>**

The Committee may, after considering a recommendation of the panel, pay an allowance to persons who have adopted, or intend to adopt, infants, where the Committee is satisfied that such an adoption is not practicable without payment of an allowance.

# **PART 2**

## **MAKING OF ADOPTION ORDERS**

## **10 Power to make adoption orders**

- (1) Subject to the provisions of this Law, the Court may, upon an application made in the prescribed manner by a person domiciled in Jersey, make an order (in this Law referred to as an “adoption order”) authorizing the applicant to adopt an infant.
- (2) An adoption order may be made on the application of 2 spouses authorizing them jointly to adopt an infant; but an adoption order shall not in any other case be made authorizing more than one person to adopt an infant.

- (3) An adoption order may be made authorizing the adoption of an infant by the mother or father of the infant, either alone or jointly with his or her spouse.
- (4) An adoption order may be made in respect of an infant who has already been the subject of an adoption order made by a court of competent jurisdiction in the British Islands; and in relation to an application for an adoption order in respect of such an infant, the adopter or adopters under the previous or last previous adoption order shall be deemed to be the parent or parents of the infant for all the purposes of this Law.
- (5) An adoption order shall not be made unless the applicant and the infant reside in Jersey, subject however to Article 19.

## **11 Age and sex of applicant**

- (1) Subject to paragraph (2), an adoption order shall not be made in respect of an infant unless the applicant –
  - (a) is the mother or father of the infant; or
  - (b) is a relative of the infant, and has attained the age of 20 years; or
  - (c) has attained the age of 25 years.
- (2) An adoption order may be made in respect of an infant on the joint application of 2 spouses –
  - (a) if either of the applicants is the mother or father of the infant; or
  - (b) if the condition set out in paragraph (1)(b) or (c) is satisfied in the case of one of the applicants, and the other of them has attained the age of 20 years.
- (3) An adoption order shall not be made in respect of a female infant in favour of a sole applicant who is a male, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

## **12 Freeing infant for adoption<sup>16</sup>**

- (1) Where, on an application by the Committee, the Court is satisfied in the case of each parent or guardian of the infant that –
  - (a) the person freely, and with full understanding of what is involved, agrees generally and unconditionally to the making of an adoption order; or
  - (b) the person's agreement to the making of an adoption order should be dispensed with on a ground specified in Article 13(2),the Court shall make an order declaring the infant free for adoption.
- (2) No application shall be made under paragraph (1) unless –
  - (a) it is made with the consent of a parent or guardian of an infant; or
  - (b) the Committee is applying for dispensation under paragraph (1)(b) of the agreement of each parent or guardian of the infant, and the infant is in the care of the Committee.

- (3) No agreement required under paragraph (1)(a) shall be dispensed with under paragraph (1)(b) unless the infant is already placed for adoption or the Court is satisfied that it is likely that the infant will be placed for adoption.
- (4) An agreement by the mother of the infant is ineffective for the purposes of this Article if given less than 6 weeks after the infant's birth.
- (5) On the making of an order under this Article all rights, duties, obligations and liabilities of the parents or guardian of the infant are given to the Committee.
- (6) Before making an order under this Article, the Court shall satisfy itself, in relation to each parent or guardian of the infant who can be found, that the person has been given an opportunity of making, if the person so wishes, a declaration that he or she prefers not to be involved in future questions concerning the adoption of the infant, and any such declaration shall be recorded by the Court.

### **13 Parental agreement<sup>17</sup>**

- (1) An adoption order shall not be made unless in the case of each parent or guardian of the infant the Court is satisfied that –
  - (a) the person freely, and with full understanding of what is involved, agrees unconditionally to the making of an adoption order, whether or not he or she knows the identity of the applicants; or
  - (b) the person's agreement to the making of the adoption order should be dispensed with on a ground specified in paragraph (2).
- (2) The grounds mentioned in paragraph (1)(b) are that the parent or guardian –
  - (a) cannot be found or is incapable of giving agreement;
  - (b) is withholding his or her agreement unreasonably;
  - (c) has persistently failed without reasonable cause to exercise his or her rights, duties, obligations and liabilities as a parent or guardian in respect of the infant;
  - (d) has abandoned or neglected the infant;
  - (e) subject to paragraph (4) has persistently ill-treated the infant;
  - (f) has seriously ill-treated the infant;
  - (g) is incapable of caring for the infant or is of such habits or mode of life as to be unfit to have the care of the infant.
- (3) Agreement is ineffective for the purposes of paragraph (1)(a) if given by the mother less than 6 weeks after the infant's birth.
- (4) Paragraph (2)(e) does not apply unless because of the ill-treatment or for other reasons, the rehabilitation of the infant within the household of the parent, or guardian is unlikely.
- (5) Where there has been a finding by a court of competent jurisdiction as to any grounds specified in paragraph (2)(c), (d), (e), (f) or (g) in the course of earlier proceedings to which the parent or guardian was given the

opportunity of being a party, that finding shall be sufficient but not conclusive evidence of those grounds.

#### **14 Evidence of consent of parent or guardian**

- (1) Where a parent or guardian of an infant does not attend in the proceedings on an application for an adoption order for the purpose of giving his or her consent to the making of the order, a document signifying his or her consent to the making of such an order shall –
  - (a) if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner; and
  - (b) if the document is attested by a person of any such class as may be prescribed,

be admissible as evidence of that consent and of the signature of the document by the person by whom it is executed:

Provided that a document signifying the consent of the mother of an infant shall not be admissible under this Article unless the infant is at least 6 weeks old on the date of the execution of the document.

- (2) For the purposes of this Article, a document purporting to be attested in the manner provided by paragraph (1) shall be deemed to be so attested, and to be executed and attested on the date and at the place specified in the document, unless the contrary is proved.

#### **15 Care and possession of infants before adoption, and notification to Committee**

- (1) An adoption order shall not be made in respect of any infant unless the infant has been continuously in the care and possession of the applicant for at least 3 consecutive months immediately preceding the date of the order, not counting any time before the date which appears to the Court to be the date on which the infant attained the age of 6 weeks.
- (2) Except where the applicant or one of the applicants is a parent of the infant, an adoption order shall not be made in respect of an infant who at the hearing of the application is below the upper limit of the compulsory school age unless the applicant has, at least 3 months before the date of the order, given notice in writing to the Committee of his or her intention to apply for an adoption order in respect of the infant.
- (3) Where an application for an adoption order in respect of an infant is pending, a parent or guardian of the infant who has signified his or her consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the Court, to remove the infant from the care and possession of the applicant, and in considering whether to grant or refuse such leave the Court shall have regard to the welfare of the infant.

**16 Functions of Court as to adoption orders**

- (1) The Court before making an adoption order shall be satisfied –
  - (a) that every person whose consent is necessary under this Law, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;
  - (b) that the order if made will be for the welfare of the infant; and
  - (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction.
- (2) In determining whether an adoption order if made will be for the welfare of the infant, the Court shall have regard (among other things) to the health of the applicant, as evidenced, in such cases as may be prescribed, by the certificate of a registered medical practitioner, and shall give due consideration to the wishes of the infant, having regard to the infant's age and understanding.
- (3) The Court in an adoption order may impose such terms and conditions as the Court may think fit, and in particular may require the adopter by bond or otherwise to make for the infant such provision (if any) as in the opinion of the Court is just and expedient.

**17 Interim orders**

- (1) Subject to the provisions of this Article, the Court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding 2 years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the Court may think fit.
- (2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the Court to dispense with any such consent.
- (3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of Article 15.
- (4) Where an interim order has been made giving the custody of an infant to the applicant for a period of less than 2 years, the Court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order as varied under this paragraph shall not exceed 2 years.
- (5) An interim order shall not be deemed to be an adoption order within the meaning of this Law.

**18 Procedure**

- (1) In this Law “Adoption Rules” means rules made under paragraph (2).
- (2) Rules in regard to any matter to be prescribed under this Law and dealing generally with all matters of procedure and incidental matters arising out of this Law and for carrying this Law into effect shall be made by the Superior Number of the Royal Court.
- (3) Adoption Rules may provide for applications for adoption orders to be heard and determined otherwise than in open court.
- (4) Article 3 of the Official Publications (Jersey) Law 1960,<sup>18</sup> shall apply to Adoption Rules as it applies to enactments mentioned in that Article and, accordingly, as soon as may be after any such rules are made, the Judicial Greffier shall transmit a certified copy thereof to the Greffier of the States.
- (5) In all proceedings, whether oral or written, under this Law, any member of the Court and any party or person engaged or concerned in such proceedings or giving evidence therein may use the English language.
- (6) For the purposes of any application for an adoption order, the Court shall, subject to Adoption Rules, appoint some person or body to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the Court.

**19 Modification of foregoing provisions in the case of applicants not ordinarily resident in Jersey**

- (1) An adoption order may, notwithstanding anything in this Law, be made on the application of a person who is not ordinarily resident in Jersey and, in relation to such an application, Article 10(5) shall not apply.
- (2) Where an application for an adoption order is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Jersey, the notice required by Article 15(2) may be given by either of the applicants; and the provisions of paragraph (1) of that Article shall be deemed to be complied with if they are complied with in the case of one of the applicants and the applicants have been living together in Jersey for at least one of the 3 months mentioned in that paragraph.
- (3) This Article shall not affect the construction of Article 15(1) in its application to any joint application to which paragraph (2) of this Article does not apply.

**PART 3****EFFECTS OF ADOPTION ORDERS****20 Rights and duties of parents and capacity to marry**

- (1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents, and, subject to the provisions of paragraph (3),

of the guardian, if any, of the infant in relation to the future custody, maintenance and education of the infant, including all rights to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid and in respect of the liability of a child to maintain his or her parents the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

- (2) In any case where 2 spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother of the infant and the infant shall stand to them in the same relation as to a lawful father and mother.
- (3) Where it becomes necessary to appoint a guardian for an adopted child, the adopter or adopters and the relatives of the adopter or adopters shall, in all matters appertaining to the formation of the guardianship, be deemed to be the relatives of the adopted child, and, where an adoption order is made in respect of an infant who is under guardianship, the Court shall order that the guardianship be reconstituted unless it is of the opinion that it is in the interests of the child that the guardianship be maintained.
- (4) For the purposes of the law relating to marriage, an adopter and the person whom the adopter has been authorized to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this paragraph shall continue to have effect notwithstanding that some person other than the adopter is authorized by a subsequent order to adopt the same infant.

## **21 Friendly societies, insurance, etc.**

- (1) For the purposes of the enactments for the time being in force relating to friendly societies, collecting societies or industrial insurance companies, an adopter shall be deemed to be the parent of the infant whom the adopter is authorized to adopt under an adoption order.
- (2) Where, before the making of an adoption order in respect of an infant, the natural parent of the infant has effected an insurance with any such society or company for the payment, on the death of the infant, of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter and the adopter shall, for the purposes of the said enactments, be treated as the person who took out the policy.

## **22 Orders and agreements for maintenance of illegitimate infants**

- (1) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the adopter is the infant's mother and the mother is a single woman, any order or agreement whereby the father of the

infant is required or has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order or agreement at the date of the adoption order.

- (2) After an adoption order has been made in respect of an infant who is illegitimate, no order requiring the father of the infant to make payments specifically for the benefit of the infant shall be made unless the adoption order was made on the application of the mother of the infant alone.

## **23 Intestacies, etc.<sup>19</sup>**

- (1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than personal property subject to an entailed interest under a disposition to which paragraph (3) does not apply), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.
- (2) For all the purposes of the law relating to the indefeasible right of a person to succeed to the personal property of the person's ascendants, an adopted person shall be deemed to be the child of the adopter born in lawful wedlock and not the child of any other person.
- (3) In any disposition of real or personal property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order –
  - (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;
  - (b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and
  - (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to the adopted person in that degree if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.
- (4) For the purposes of paragraph (3), a disposition made by will or codicil shall be treated as made on the date of the death of the testator.
- (5) For the avoidance of doubt, it is hereby declared that an adopted child born before a natural child shall rank as principal heir in preference to the natural child.
- (6) In the application of the law regarding the devolution of acquired real property (*acquêts*) and personal property (*meubles*) and for the purposes of the construction of any such disposition as is mentioned in this Article, an adopted person shall be deemed to be related to any other person being

the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters –

- (a) where the adopted person was adopted by 2 spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;
  - (b) in any other case, as brother or sister of the half-blood.
- (7) Notwithstanding anything in this Article, an executor of the will or an administrator of the personal estate of a deceased person may distribute any personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim the executor of the will or an administrator of the personal estate has not had notice at the time of the distribution; but nothing in this paragraph shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person who may have acquired it by means of devolution or descent.
- (8) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of this Article in relation to the devolution of any property on the intestacy of, or any right to the personal property of, any person dying after the date of the subsequent adoption order, and in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.
- (9) References in this Article to an adoption order and to an adopted person include references to an adoption order made before 24th November 1963 either under this Law or under the Adoption of Children (Jersey) Law 1947 and to a person adopted under such an order, but nothing in this Article shall affect the devolution of any property on the intestacy of, or any right to the personal property of, any person who died before that date, or affect any disposition made before that date.<sup>20</sup>

## **PART 4**

### **REGISTRATION**

#### **24 Adopted Children Register**

- (1) The Superintendent Registrar shall maintain a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.
- (2) A certified copy of an entry in the Adopted Children Register, if purporting to be signed by the Superintendent Registrar shall, without any further or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country or the parish of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or parish in all respects as if the copy were a certified copy of an entry in the Registers of Births.

- (3) The Superintendent Registrar shall cause an index of the Adopted Children Register to be made and kept in the Superintendent Registrar's office and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms and conditions as to payment of fees and otherwise as are applicable under the Marriage and Civil Status (Jersey) Law 2001<sup>21</sup> in respect of searches in other indexes kept in the office of the Superintendent Registrar and in respect of the supply by the Superintendent Registrar of certified copies of entries in the Registers of Births, Deaths and Marriages.<sup>22</sup>
- (4) The Superintendent Registrar shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Registers of Births which has been marked "Adopted" pursuant to Article 25 or any enactment at the time in force, and any corresponding entry in the Adopted Children Register.
- (5) The registers and books kept under paragraph (4) shall not be, nor shall any index thereof be, open to public inspection or search and, except under an order of the Royal Court, the Superintendent Registrar shall not furnish any person with any information contained in or with any copy or extract from any such registers or books.

## **25 Registration of adoptions**

- (1) Every adoption order shall contain a direction to the Superintendent Registrar to make in the Adopted Children Register an entry in the form set out in the Schedule, and (subject to paragraph (2)) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.
- (2) For the purpose of compliance with the requirements of paragraph (1) –
  - (a) where the precise date of the infant's birth is not proved to the satisfaction of the Court, the Court shall determine the probable date of the infant's birth and the date so determined shall be specified in the order as the date of the infant's birth;
  - (b) where the country of birth of the infant is not proved to the satisfaction of the Court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, the infant shall be treated as having been born in Jersey, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register,

and the names to be specified in the order as the name and surname of the infant shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

- (3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the Schedule shall include, in the case of an infant

born in Jersey, the parish in which the birth took place; and where the infant was born in Jersey but the parish in which the birth took place is not proved to the satisfaction of the Court, or where the infant is treated by virtue of paragraph (2)(b) as born in Jersey, the infant shall be treated for the purposes of this paragraph as born in the parish of St. Helier.

- (4) Where upon any application for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order under this Law or the Adoption of Children (Jersey) Law 1947),<sup>23</sup> there is proved to the satisfaction of the Court the identity of the infant with a child to whom an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Superintendent Registrar to cause the entry in the Registers of Births to be marked with the word “Adopted”.
- (5) Where an adoption order is made in respect of an infant who has previously been the subject of an adoption order made under this Law or any enactment at the time in force, the order shall contain a direction to the Superintendent Registrar to cause the previous entry in the Adopted Children Register to be marked with the word “Re-adopted”.
- (6) The Judicial Greffier shall cause every adoption order to be communicated to the Superintendent Registrar, and upon receipt of the communication the Superintendent Registrar shall cause compliance to be made with the directions contained in the order.

## **26 Amendment of orders and rectification of registers**

- (1) The Court may, on the application of the adopter or of the adopted person, amend an adoption order by the correction of any error in the particulars contained therein, and may –
  - (a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name has been given to the adopted person (whether in baptism or otherwise), or taken by the adopted person, either in lieu of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name in those particulars, as the case may require;
  - (b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Registers of Births or the Adopted Children Register included in the order in pursuance of Article 25(4) or (5) was wrongly so included, revoke that direction.
- (2) Where an adoption order is amended or a direction revoked under paragraph (1), the Judicial Greffier shall cause the amendment to be communicated to the Superintendent Registrar, who shall –
  - (a) cause the entry in the Adopted Children Register to be amended accordingly; or
  - (b) cause the marking of the entry in the Registers of Births or the Adopted Children Register to be cancelled.

- (3) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to Article 24(3) shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

## **27 Adoption Contact Register<sup>24</sup>**

- (1) In this Article –
  - (a) “relative” means any person, other than an adoptive relative, who is related to the adopted person by blood or marriage; and
  - (b) “address” includes any address at or through which the person concerned may be contacted.
- (2) The Superintendent Registrar shall maintain at the Superintendent Registrar’s Office a register to be called the Adoption Contact Register.
- (3) The register shall be in 2 parts –
  - (a) Part I: Adopted Persons; and
  - (b) Part II: Relatives.
- (4) The Superintendent Registrar shall, on payment of such fee as may be prescribed, enter in Part I of the register the name and address of any adopted person who fulfils the conditions set out in paragraph (5) and who gives notice that he or she wishes to contact any relative of his or hers.
- (5) The conditions referred to in paragraph (4) are that –
  - (a) a record of the adopted person’s birth is kept by the Superintendent Registrar; and
  - (b) the adopted person has attained the age of 18 years and –
    - (i) has been supplied by the Superintendent Registrar with information under Article 30, or
    - (ii) has satisfied the Superintendent Registrar that the adopted person has such information as is necessary to enable the adopted person to obtain a certified copy of the record of his or her birth.
- (6) The Superintendent Registrar shall, on payment of such fee as may be prescribed, enter in Part II of the register the name and address of any person who fulfils the conditions set out in paragraph (7) and who gives notice that he or she wishes to contact an adopted person.
- (7) The conditions referred to in paragraph (6) are that –
  - (a) a record of the adopted person’s birth is kept by the Superintendent Registrar; and
  - (b) the person giving notice under paragraph (6) has attained the age of 18 years and has satisfied the Superintendent Registrar that –

- (i) the person is a relative of the adopted person, and
  - (ii) the person has such information as is necessary to enable him or her to obtain a certified copy of the record of the adopted person's birth.
- (8) The Superintendent Registrar shall, on receiving notice from any person named in an entry in the register that he or she wishes the entry to be cancelled, cancel the entry.
- (9) Any notice given under this Article shall be in such form as may be determined by the Superintendent Registrar.
- (10) The Superintendent Registrar shall transmit to an adopted person whose name is entered in Part I of the register the name and address of any relative in respect of whom there is an entry in Part II of the register.
- (11) Any entry cancelled under paragraph (8) ceases from the time of cancellation to be an entry for the purposes of paragraph (10).
- (12) The register shall not be open to public inspection or search and the Superintendent Registrar shall not supply any person with information entered in the register whether in an uncanceled or a cancelled entry except in accordance with this Article.
- (13) The register may be kept by means of a computer.

## **28 Recording of change of name in Public Registry of Contracts**

Where, by virtue of Article 25 or 26, the name of an adopted child is changed, then, if the name of the child is recorded in the books of the Public Registry of Contracts, the Judicial Greffier shall record the change of name in those books in such manner as the Court may direct.

## **29 Registration of baptism**

Where a child in respect of whom an adoption order has been made is baptised, the entry to be made in the Register of Baptisms shall describe the child as the adopted son or daughter of the person or persons by whom the adopted person was adopted, instead of as the son or daughter of the natural parents.

## **30 Disclosure of birth records of adopted infants<sup>25</sup>**

- (1) Subject to this Article, the Superintendent Registrar shall on an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Superintendent Registrar and who has attained the age of 18 years supply to him or her on payment of such fee as may be prescribed such information as is necessary to enable that person to obtain a certified copy of the record of his or her birth.
- (2) On an application made in the prescribed manner by an adopted person under the age of 18 years, a record of whose birth is kept by the Superintendent Registrar and who is intending to be married in Jersey, and on payment of such fee as may be prescribed the Superintendent Registrar shall inform the applicant whether or not it appears from

information contained in the registers of live births or other records that the applicant and the person whom he or she intends to marry may be within the degrees of relationship prohibited or restricted by Articles 3, 4, and 5 of the Marriage and Civil Status (Jersey) Law 2001.<sup>26</sup>

- (3) Before supplying any information to an applicant under paragraph (1), the Superintendent Registrar shall inform the applicant that counselling services are available to the applicant from the Committee.
- (4) Where an adopted person applies for information under paragraph (1) –
  - (a) it shall be the duty of the Committee to provide counselling services for that person if asked by him or her to do so; and
  - (b) the Superintendent Registrar shall not supply the information unless the adopted person has attended an interview with a counsellor arranged by the Committee.

### **31 Legitimation: revocation of adoption orders and cancellations in registers**

- (1) Where any person adopted by his or her father or mother alone has subsequently become a legitimated person on the marriage of his or her father and mother, the Court may, on the application of any of the parties concerned, revoke the relevant adoption order.
- (2) Where an adoption order is revoked under this Article, the Judicial Greffier shall communicate the revocation to the Superintendent Registrar who shall cancel –
  - (a) the entry in the Adopted Children Register relating to the adopted person; and
  - (b) the marking with the word “Adopted” of any entry relating to the adopted person in the Registers of Births,and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this Article, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.
- (3) Where any person legitimated by virtue of Article 2 of the Legitimacy (Jersey) Law 1963,<sup>27</sup> had been adopted by his or her father and mother before 16th July 1963, the Court may, on the application of any of the parties concerned, revoke the adoption order.<sup>28</sup>
- (4) The revocation of an adoption order under this Article shall not affect the operation of Article 23 in relation to an intestacy which occurred, or a disposition which was made, before the revocation.<sup>29</sup>

### **32 Legitimation: marking of entries on re-registration of births**

Without prejudice to the provisions of Article 31 of this Law, where after an entry in the Registers of Births has been marked with the word “Adopted”, the birth is re-registered under Article 56 or 57 of the Marriage and Civil Status (Jersey) Law 2001,<sup>30</sup> the entry made on the re-registration shall be marked in the like manner.<sup>31</sup>

## PART 5

### SUPERVISION OF CHILDREN AWAITING ADOPTION

#### **33 Meaning of protected child**

- (1) Subject to the following provisions of this Article, where notice of intention to apply for an adoption order in respect of a child is given under Article 15(2), then, while the child is in the care and possession of the person giving the notice, the child is a protected child for the purposes of Articles 34 to 38.
- (2) A child is not a protected child by reason of any such notice as is mentioned in paragraph (1) while the child is in an approved school or in the care and possession of any person in any such institution as is mentioned in Article 13 of the Loi (1935) *appliquant à cette Ile certaines des dispositions de l'Acte de Parlement intitulé "Children and Young Persons Act 1933"*<sup>32</sup> nor while the child is –
  - (a) receiving treatment for mental disorder or, as the case may be, for addiction under the provisions of Article 4 of the Mental Health (Jersey) Law 1969<sup>33</sup>; or
  - (b) detained in a hospital or a mental nursing home under the provisions of that Law.<sup>34</sup>
- (3) A protected child ceases to be a protected child on the making of an adoption order in respect of the protected child or, if none is made, on the protected child attaining the age of majority.<sup>35</sup>
- (4) A child in the care and possession of 2 spouses one of whom is a relative or guardian of the child shall be deemed for the purposes of Article 36 to be in the care and possession of that one of them.

#### **34 Duty of Committee to secure well-being of protected children**

It shall be the duty of the Committee to secure that protected children are visited from time to time by officers of the Committee, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

#### **35 Power to inspect premises**

Any officer of the Committee generally or specially authorized in writing in that behalf shall be entitled, subject to the production by the officer if so required of evidence of his or her authority, to enter and inspect any premises in which protected children are to be or are being kept.

#### **36 Notices and information to be given to the Committee**

- (1) Where a person who has a protected child in his or her care and possession changes his or her permanent address, the person shall, not less than 2 weeks before the change, or, if the change is made in an

emergency, not later than one week after the change, give to the Committee notice in writing specifying the new address.

- (2) If a protected child dies, the person in whose care and possession the protected child was at his or her death shall within 48 hours of the death give to the Committee notice in writing of the death.
- (3) A person who has or proposes to have a protected child in his or her care and possession shall at the request of the Committee give to the Committee the following particulars, so far as known to the person, that is to say, the name, sex and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

### **37 Removal of protected children from unsuitable surroundings**

- (1) If the Court is satisfied, on a representation made by the Committee, that a protected child is being kept or is about to be received by any person who is unfit to have the protected child's care, or in any premises or any environment detrimental or likely to be detrimental to the protected child, the Court may make an order for the protected child's removal to such place as the Court may direct until he or she can be restored to a parent, relative or guardian of his or hers, or until other arrangements can be made with respect to him or her:

Provided that, on proof that there is imminent danger to the health or well-being of the child, the power to make an order under this Article may be exercised by the Bailiff on an application made by the President of the Committee.

- (2) Where a child is removed under this Article, the Committee shall, if practicable, inform a parent or guardian of the child, or any person who acts as the child's guardian.

### **38 Offences in relation to protected children**

- (1) A person shall be guilty of an offence if –
  - (a) being required, under any provision of Article 36, to give any notice or information, the person fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information;
  - (b) the person refuses to allow the visiting of a protected child by a duly authorized officer of the Committee or the inspection, under the power conferred by Article 35, of any premises;
  - (c) the person refuses to comply with an order under Article 37 for the removal of any child or obstructs any person in the execution of such an order.

- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale or to both such imprisonment and such fine.<sup>36</sup>

## **PART 6**

### **MISCELLANEOUS**

#### **39 Prohibition of certain payments**

- (1) Subject to the provisions of this Article, it shall not be lawful to make or give to any person any payment or reward for or in consideration of –
- (a) the adoption by that person of an infant;
  - (b) the grant by that person of any consent required in connection with the adoption of an infant;
  - (c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant; or
  - (d) the making by that person of any arrangements for the adoption of an infant.
- (2) Any person who makes or gives, or agrees or offers to make or give any payment or reward prohibited by this Article, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale or to both such imprisonment and such fine; and the Court may order any infant in respect of whom the offence was committed to be removed to such place as the Court may direct until the infant can be restored to his or her parents or guardian or until other arrangements can be made for the infant.<sup>37</sup>
- (3) This Article does not apply to any payment made to an administration of the States or a parochial authority by a parent or guardian of an infant or by a person who adopts or proposes to adopt an infant, being a payment in respect of expenses reasonably incurred by the administration of the States or parochial authority in connection with the adoption of the infant, or to any payment or reward authorized by the Court to which an application for an adoption order in respect of an infant is made.
- (4) This Article does not apply to any allowance paid by the Committee pursuant to Article 9.<sup>38</sup>

#### **40 Restriction on removal of infants for adoption outside British Islands**

- (1) Except under the authority of an order under Article 41, it shall not be lawful for any person to take or send an infant who is a British subject out of Jersey to any place outside the British Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or relative of the infant; and any person who takes or sends an infant out of Jersey to any place in contravention of this paragraph, or makes or takes part in any arrangements for transferring the

care and possession of an infant to any person for that purpose, shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale or to both such imprisonment and such fine.<sup>39</sup>

- (2) In any proceedings under this Article, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in Jersey, be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

#### **41 Provisional adoption by persons domiciled outside Jersey**

- (1) If the Court is satisfied, upon an application being made by a person who is not domiciled in Jersey, that the applicant intends to adopt an infant under the law of or within the country in which the applicant is domiciled, and for that purpose desires to remove the infant from Jersey either immediately or after an interval, the Court may, subject to the provisions of this Article, make an order (in this Article referred to as a “provisional adoption order”) authorizing the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his or her adoption as aforesaid.
- (2) A provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under this Law, but shall not be made in any other case.
- (3) Subject to the provisions of this Article, the provisions of this Law, other than this Article and Article 23, shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, and references in those provisions to adoption, to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorized to be adopted under such an order shall be construed accordingly.
- (4) In relation to a provisional adoption order, Article 15(1) and (2) shall have effect as if for the word “3”, where it occurs in those paragraphs, there were substituted the word “6”.
- (5) Any entry in the Registers of Births or the Adopted Children Register which is required to be marked in consequence of the making of a provisional adoption order shall, in lieu of being marked with the word “Adopted” or “Re-adopted” be marked with the words “Provisionally adopted” or “Provisionally re-adopted” as the case may require.

#### **42 Orders<sup>40</sup>**

- (1) The Committee may make Orders for any purpose for which Orders may be made under this Law and generally for the purposes of carrying this Law into effect.

- (2) Without prejudice to the generality of paragraph (1), Orders may specify –
  - (a) the procedures to be followed by the panel;
  - (b) the circumstances the panel shall take into account in recommending to the Committee the payment of an allowance; and
  - (c) the procedure for review, variation and termination of allowances.
- (3) The Subordinate Legislation (Jersey) Law 1960<sup>41</sup> shall apply to Orders made under this Law.

#### **43 Service of notices, etc.**

Any notice or information required to be given under this Law may be given by post.

#### **44 Extension of enactments referring to adoption<sup>42</sup>**

- (1) Any provision, however expressed, in any enactment passed before 25th June 1965 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 on or after 25th June 1965, if it extends only to adoptions in pursuance of orders made in Jersey, as extending also to adoptions in pursuance of orders made, whether before or on or after 25th June 1965, in the United Kingdom, the Isle of Man or the Bailiwick of Guernsey, and Article 23(7) shall extend to any such order as is mentioned in this paragraph.
- (2) An order authorizing adoption made outside Jersey on or after 25th June 1965 shall also have the same effect as an adoption order for the purposes of Article 21(2) and Articles 22 and 29, if the order is made in the United Kingdom, the Isle of Man or the Bailiwick of Guernsey.
- (3) Where a person adopted in pursuance of an order made, whether before or on or after 25th June 1965, in the United Kingdom, the Isle of Man or the Bailiwick of Guernsey has subsequently become a legitimated person, and the order is then revoked, the revocation shall not affect the operation of Article 23 as extended by paragraph (1) in relation to an intestacy which occurred, or a disposition which was made, before the revocation.
- (4) Any such provision as is mentioned in paragraph (1) which, by virtue of Article 41(3) applies in relation to orders under that Article shall, as respects anything done on or after 25th June 1965, apply also in relation to similar orders made, whether before or after the commencement of this Law, in the United Kingdom, the Isle of Man or the Bailiwick of Guernsey, and shall be construed accordingly, and any such order made on or after 25th June 1965 shall also have the same effect as an adoption order for the purposes of the provisions mentioned in paragraph (2).

**45 Evidence of adoptions, etc.<sup>43</sup>**

Any document which, under a provision of any enactment of the United Kingdom, the Isle of Man or the Bailiwick of Guernsey corresponding to Article 24(2) is receivable as evidence of any matter in any part of the United Kingdom, the Isle of Man or the Bailiwick of Guernsey, as the case may be, shall be so receivable in Jersey.

**46 Registration of adoptions outside Jersey<sup>44</sup>**

- (1) Where the Superintendent Registrar is notified by the authority maintaining a register of adoptions in the United Kingdom, the Isle of Man or the Bailiwick of Guernsey that an order has been made in that country authorizing the adoption of an infant to whom an entry in the Registers of Births or the Adopted Children Register relates, the Superintendent Registrar shall cause the entry to be marked with the words “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 Superintendent Registrar 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, the Superintendent Registrar 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 paragraph, shall be deemed to be an accurate copy or extract if and only if both the marking and the cancellation are omitted therefrom.
- (3) The preceding provisions of this Article shall apply in relation to orders corresponding to orders under Article 41 as they apply in relation to orders authorizing the adoption of an infant:  
  
Provided that any marking of an entry required by virtue of this paragraph shall consist of the word “Provisionally” followed by the words mentioned in paragraph (1).
- (4) Without prejudice to paragraphs (2) and (3), where, after an entry in the Registers of Births has been marked in accordance with this Article, the birth is re-registered under Article 56 or 57 of the Marriage and Civil Status (Jersey) Law 2001,<sup>45</sup> the entry on the re-registration shall be marked in the like manner.<sup>46</sup>

**47 Citation**

This Law may be cited as the Adoption (Jersey) Law 1961.

**SCHEDULE**

(Article 25)

**FORM OF ENTRY IN ADOPTED CHILDREN REGISTER**

1	No. of entry	
2	Date and country of birth of child	
3	Name and surname of child	
4	Sex of child	
5	Name and surname, address and occupation of adopter or adopters	
6	Date of adoption order	
7	Date of entry	
8	Signature of Superintendent Registrar	

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Adoption (Jersey) Law 1961	L.39/1961	1 March 1962 (R&O.4334)
Adoption (Amendment) (Jersey) Law 1963	L.13/1963	24 November 1963
Adoption (Jersey) Law 1965	L.10/1965	25 June 1965
Adoption (No. 2) (Jersey) Law 1966	L.5/1966	25 March 1966
Mental Health (Jersey) Law 1969	L.18/1969	1 January 1972
Nursing and Residential Homes (Jersey) Law 1994	L.12/1994	1 April 1995 (R&O.8811)
Adoption (Amendment No. 3) (Jersey) Law 1995	L.20/1995	1 January 1996 (R&O.8877)
Adoption (Amendment No. 4) (Jersey) Law 1999	L.25/1999	1 September 2001 (R&O.112/2001)
Age of Majority (Jersey) Law 1999	L.26/1999	1 November 1999 (R&O.9455)
Education (Jersey) Law 1999	L.27/1999	1 March 2000 (R&O.9484)
Loi (2000) (Amendement No. 13) sur l'Etat Civil	L.8/2000	31 March 2000
Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995	R&O.8859	10 October 1995
Marriage and Civil Status (Jersey) Law 2001	L.31/2001	1 May 2002 (R&O.13/2002)

**Table of Renumbered Provisions**

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34	spent, omitted from this revised edition
35	spent, omitted from this revised edition
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Art. 2 of L.10/1965	45
Art. 3 of L.10/1965	46
36	47
First Schedule	Schedule
Second Schedule	spent, omitted from this revised edition

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**Table of Endnote References**

<sup>1</sup>	<i>This revised edition incorporates also the Adoption (Jersey) Law 1965 (L.10/1965)</i>
<sup>2</sup> Article 1(1)	<i>definition “Committee” amended by R&amp;O.8859</i>
<sup>3</sup> Article 1(1)	<i>definition “infant” amended by L.26/1999</i>
<sup>4</sup>	<i>chapter 20.725</i>
Article 1(1)	<i>definition “mental nursing home” inserted by L.12/1994</i>
<sup>5</sup> Article 1(1)	<i>definition “panel” inserted by L.25/1999</i>
<sup>6</sup>	<i>chapter 10.800</i>
Article 1(2)	<i>substituted by L.27/1999</i>
<sup>7</sup> Article 1(5)	<i>amended by L.20/1995</i>
<sup>8</sup> Article 2	<i>inserted by L.20/1995</i>
<sup>9</sup> Article 3	<i>inserted by L.20/1995</i>
<sup>10</sup> Article 4	<i>inserted by L.20/1995</i>
<sup>11</sup> Article 5	<i>inserted by L.20/1995</i>
<sup>12</sup> Article 6	<i>inserted by L.20/1995</i>
<sup>13</sup> Article 7	<i>inserted by L.25/1999</i>
<sup>14</sup> Article 8	<i>inserted by L.25/1999</i>
<sup>15</sup> Article 9	<i>inserted by L.25/1999</i>
<sup>16</sup> Article 12	<i>substituted by L.20/1995</i>
<sup>17</sup> Article 13	<i>substituted by L.20/1995</i>
<sup>18</sup>	<i>chapter 15.440</i>
<sup>19</sup> Article 23	<i>substituted by L.13/1963</i>
<sup>20</sup> Article 23(9)	<i>this paragraph was originally enacted as Article 2 of L.13/1963 and has been reworded accordingly; the date “24th November 1963” was inserted for the commencement date of L.13/1963</i>
<sup>21</sup>	<i>chapter 12.600</i>
<sup>22</sup> Article 24(3)	<i>amended by L.31/2001</i>
<sup>23</sup>	<i>Tome 1946–1948, page 237</i>
<sup>24</sup> Article 27	<i>inserted by L.20/1995</i>
<sup>25</sup> Article 30	<i>inserted by L.20/1995</i>
<sup>26</sup> Article 30(2)	<i>amended by L.31/2001</i>
<sup>27</sup>	<i>chapter 12.400</i>
<sup>28</sup> Article 31(3)	<i>paragraph was originally enacted as Article 1(1) of L.5/1966; for “the coming into force of that Law”, the actual date “16th July 1963” was inserted</i>
<sup>29</sup> Article 31(4)	<i>paragraph was originally enacted as Article 1(2) of L.5/1966</i>
<sup>30</sup>	<i>chapter 12.600</i>
<sup>31</sup> Article 32	<i>amended by L.8/2000, L. 31/2001</i>
<sup>32</sup>	<i>Tome VII, page 355</i>
<sup>33</sup>	<i>chapter 20.650</i>
<sup>34</sup> Article 33(2)	<i>paragraph amended by L.18/1969</i>
<sup>35</sup> Article 33(3)	<i>amended by L.26/1999</i>
<sup>36</sup> Article 38(2)	<i>amended by L.20/1995</i>
<sup>37</sup> Article 39(2)	<i>amended by L.20/1995</i>
<sup>38</sup> Article 39(4)	<i>inserted by L.25/1999</i>
<sup>39</sup> Article 40(1)	<i>amended by L.20/1995</i>
<sup>40</sup> Article 42	<i>inserted by L.25/1999</i>
<sup>41</sup>	<i>chapter 15.720</i>
<sup>42</sup> Article 44	<i>originally enacted as Article 1 of L.10/1965, the Adoption (Jersey) Law 1965. For “the commencement of this Law” the actual date “25th June 1965” has been substituted, and minor consequential changes have been made for this revised edition</i>

- <sup>43</sup> Article 45            *originally enacted as Article 2 of L.10/1965, the Adoption (Jersey) Law 1965*
- <sup>44</sup> Article 46            *originally enacted as Article 3 of L.10/1965, the Adoption (Jersey) Law 1965*
- <sup>45</sup>                        *chapter 12.600*
- <sup>46</sup> Article 46(4)        *amended by L.8/2000, L.31/2001*
- <sup>47</sup>                        *the original Article 29 has, in this revised edition, been treated as spent.*
- The Article is –

“ARTICLE 29

*PROVISIONS AS TO EXISTING DE FACTO ADOPTIONS*

*Where, on the first day of January, 1948, any infant was in the custody of, and being brought up, maintained and educated by any person or two spouses jointly as his, her or their own child under any de facto adoption, and had for a period of not less than two years before that date been in such custody, and been so brought up, maintained and educated, the Court may, upon the application of such person or spouses, and notwithstanding that the applicant is a male and the infant a female, make an adoption order authorizing him, her or them to adopt the infant without requiring the consent of any parent or guardian of the infant to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable and for the welfare of the infant that no such consent should be required and that an adoption order should be made.”.*