

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Adoption (Designation of Overseas Adoptions)
Ordinance, 1979 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome XXI, p. 270. This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Adoption) Ordinance, 1979 (Recueil d'Ordonnances Tome XXI, p. 273).

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ARRANGEMENT OF SECTIONS

1. Designation of overseas adoptions.
2. Evidence of overseas adoptions.
3. Interpretation.
4. Citation.
5. Commencement.

SCHEDULE

- Part I Commonwealth Countries and United Kingdom Dependent Territories.
- Part II Other Countries and Territories.

(Made on the 30th May, 1979.)

The Adoption (Designation of Overseas Adoptions) Ordinance, 1979

THE STATES, in exercise of the powers conferred upon them by sections five and twelve of the Adoption (Guernsey) Law, 1970^a, and in pursuance of their Resolution of the twenty-eighth day of March, nineteen hundred and seventy-nine, hereby order: –

Designation of overseas adoptions.

1. (1) An adoption of an infant is hereby specified as an overseas adoption if it is an adoption effected in a place in relation to which this section applies and under the law in force in that place.

(2) As respects any adoption effected before the date on which this Ordinance comes into force, this section applies in relation to any place which, at that date, forms part of a country or territory described in Part I or Part II of the Schedule to this Ordinance and as respects any adoption effected on or after that date, this section applies in relation to any place which, at the time the adoption is effected, forms part of a country or territory which at that time is a country or territory described in Part I or Part II of the said Schedule to this Ordinance.

(3) In this section the expressions –

"infant" means a person who at the time of the application for adoption was made had not attained the age of eighteen years and had not been married,

^a Ordres en Conseil Vol. XXII, p. 380.

"law" does not include customary or common law.

NOTE

This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Adoption) Ordinance, 1979, section 1, with effect from 1st June, 1979, subject to the exceptions, adaptations and modifications in Part II of the Schedule to the 1979 Ordinance.

Evidence of overseas adoptions.

2. (1) Evidence that an overseas adoption has been effected may be given by the production of a document purporting to be –

- (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 certificate.

(2) Where a document produced by virtue of the provisions of the last preceding subsection is not in the English language, the Registrar shall in addition require the production of a translation of the document in the English language certified as correct by an official or sworn translator or by a diplomatic or consular agent of the country or territory concerned or certified as correct in such other manner as may be sufficient according to the law of the Island before

satisfying himself of the matters specified in subsections (2) and (3) of section nine of the Law.

(3) Nothing in this section shall be construed as precluding proof in such other manner as may be sufficient according to the law of the Island that an overseas adoption has been effected.

Interpretation.

3. (1) In this Ordinance, except where the context otherwise requires, the expression "**the Law**" means the Adoption (Guernsey) Law, 1970, and any other expressions have the same meanings as in the Law.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

NOTE

In its application to the Island of Alderney, subsection (1) of section 3 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Adoption) Ordinance, 1979, section 1, Schedule, Part II, with effect from 1st June, 1979.

Citation.

4. This Ordinance may be cited as the Adoption (Designation of Overseas Adoptions) Ordinance, 1979.

Commencement.

5. This Ordinance shall come into force on the first day of June, nineteen hundred and seventy-nine.

SCHEDULE

Section one

PART I

COMMONWEALTH COUNTRIES AND UNITED KINGDOM DEPENDENT
TERRITORIES

Australia	Malaysia
Bahamas	Malta
Barbados	Mauritius
Bermuda	Montserrat
Botswana	New Zealand
British Honduras	Nigeria
British Virgin Islands	Pitcairn
Canada	Rhodesia
Cayman Islands	St Christopher (St Kitts), Nevis and Anguilla
Republic of Cyprus	St. Vincent
Dominica	Seychelles
Fiji	Singapore
Ghana	Sri Lanka
Gibraltar	Swaziland
Guyana	Tanzania
Hong Kong	Tonga
Jamaica	Trinidad and Tobago
Kenya	Uganda
Lesotho	Zambia
Malawi	

PART II

OTHER COUNTRIES AND TERRITORIES

Consolidated text

Austria

Belgium

Denmark (including Greenland and the Faroes)

Finland

France (including Reunion, Martinique, Guadeloupe and French Guyana)

The Federal Republic of Germany and Land Berlin (West Berlin)

Greece

Iceland

The Republic of Ireland

Israel

Italy

Luxembourg

The Netherlands (including Surinam and the Antilles)

Norway

Portugal (including the Azores and Madeira)

South Africa and South West Africa

Spain (including the Balearic Islands and the Canary Islands)

Sweden

Switzerland

Turkey

The United States of America

Yugoslavia