

**節錄自英國《1976年領養法令》第11及72條  
有關私下領養安排的條文(由立法會秘書處法律事務部提供)**

**Extracts from sections 11 and 72  
of the United Kingdom Adoption Act 1976  
relating to private arrangements for adoption  
provided by the Legal Service Division  
of the Legislative Council Secretariat**

## 11 Restriction on arranging adoptions and placing of children

(1) *A person other than an adoption agency shall not make arrangements for the adoption of a child, or place a child for adoption, unless—*

- (a) the proposed adopter is a relative of the child, or*
- (b) he is acting in pursuance of an order of the High Court.*

*[(2) An adoption society which is—*

- (a) approved as respects Scotland under section 3 of the Adoption (Scotland) Act 1978; or*
- (b) registered as respects Northern Ireland under Article 4 of the Adoption (Northern Ireland) Order 1987,*

*but which is not [an appropriate voluntary organisation], shall not act as an adoption society in England and Wales except to the extent that the society considers it necessary to do so in the interests of a person mentioned in section 1 of the Act of 1978 or Article 3 of the Order of 1987.]*

*(3) 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 children and which is not an adoption agency; or*
- (b) contravenes subsection (1) or*
- (c) receives a child placed with him in contravention of subsection (1),*

*shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [level 5 on the standard scale] or to both.*

*(4) In any proceedings for an offence under paragraph (a) of subsection (3), 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 children on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.*

*(5) . . .*

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**72 Interpretation**

(1) In this Act, unless the context otherwise requires—

“adoption agency” in sections 11, 13, 18 to 23 and 27 to 31 includes an adoption agency within the meaning of—

- (a) section 1 of the Adoption (Scotland) Act 1978; and
- (b) Article 3 of the Adoption (Northern Ireland) Order 1987];

[“adoption order”—

- (a) means an order under section 12(1); and
- (b) in sections 12(3) and (4), 18 to 20, 27, 28 and 30 to 32 and in the definition of “British adoption order” in this subsection includes an order under section 12 of the Adoption (Scotland) Act 1978 and Article 12 of the Adoption (Northern Ireland) Order 1987 (adoption orders in Scotland and Northern Ireland respectively); and
- (c) in sections 27, 28 and 30 to 32 includes an order under section 55, section 49 of the Adoption (Scotland) Act 1978 and Article 57 of the Adoption (Northern Ireland) Order 1987 (orders in relation to children being adopted abroad)];

“adoption society” means a body of persons whose functions consist of or include the making of arrangements for the adoption of children;

[“appropriate voluntary organisation” has the meaning assigned by section 1(5);]

“authorised court” shall be construed in accordance with section 62;

“body of persons” means any body of persons, whether incorporated or unincorporated;

[“British adoption order” means—

- (a) an adoption order as defined in this subsection, and
- (b) an order under any provision for the adoption of a child effected under the law of any British territory outside the United Kingdom”];

“British territory” means, for the purposes of any provision of this Act, any of the following countries, that is to say, Great Britain, Northern Ireland, the Channel Islands, the Isle of Man and a colony, being a country designated for the purposes of that provision by order of the Secretary of State or, if no country is so designated, any of those countries;

“child”, except where used to express a relationship, means a person who has not attained the age of 18 years;

[“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

“Convention adoption” means an adoption effected under the law of a Convention country outside the British Islands, and certified in pursuance of Article 23(1) of the Convention;

“Convention adoption order” means an adoption order made in accordance with section 17;

“Convention country” means any country or territory in which the Convention is in force.]

“existing”, in relation to an enactment or other instrument, means one passed or made at any time before 1st January 1976;

[“guardian” has the same meaning as in the Children Act 1989];

“internal law” has the meaning assigned by section 71;

“local authority” means the council of a county (other than a metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London [but, in relation to Wales, means the council of a county or county borough] . . . ;

“notice” means a notice in writing;

“order freeing a child for adoption” means an order under section 18 [and in [sections 27(2) and 59 includes an order under—

- (a) section 18 of the Adoption (Scotland) Act 1978; and
- (b) Article 17 or 18 of the Adoption (Northern Ireland) Order 1987]];

“overseas adoption” has the meaning assigned by subsection (2);

[“parent” means, in relation to a child, any parent who has parental responsibility for the child under the Children Act 1989;

*"parental responsibility" and "parental responsibility agreement" have the same meaning as in the Children Act 1989;*

*"prescribed" means prescribed by rules;*

*"relative" in relation to a child means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by affinity and includes, where the child is illegitimate, the father of the child and any person who would be a relative within the meaning of this definition if the child were the legitimate child of his mother and father;*

*"rules" means rules made under section 66(1) or made by virtue of section 66(2) under [section 144 of the Magistrates' Courts Act 1980];*

*"United Kingdom national" means, for the purposes of any provision of this Act, a citizen of the United Kingdom and colonies satisfying such conditions, if any, as the Secretary of State may by order specify for the purposes of that provision;*

*["upbringing" has the same meaning as in the Children Act 1989];*

*"voluntary organisation" means a body other than a public or local authority the activities of which are not carried on for profit.*

*[(1A) In this Act, in determining with what person, or where, a child has his home, any absence of the child at a hospital or boarding school and any other temporary absence shall be disregarded.*

*(1B) In this Act, references to a child who is in the care of or looked after by a local authority have the same meaning as in the Children Act 1989.]*

*(2) In this Act "overseas adoption" means an adoption of such a description as the Secretary of State may by order specify, being a description of adoptions of children appearing to him to be effected under the law of any country outside [the British Islands]; and an order under this subsection may contain provision as to the manner in which evidence of an overseas adoption may be given.*

*(3) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of a child if he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected, or is intended to be effected, in Great Britain or elsewhere, or if he 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, and if he causes another person to do so.*

*[(3A) In this Act, in relation to the proposed adoption of a child resident outside the British Islands, references to arrangements for the adoption of a child include references to arrangements for an assessment for the purpose of indicating whether a person is suitable to adopt a child or not.]*

*(4) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.*

*(5) In this Act, except where otherwise indicated—*

- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and*
- (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and*
- (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered.*