

Application for an order to annul a Convention adoption or Convention adoption order or for an overseas adoption or determination under section 91 to cease to be valid

Section 89 Adoption and Children Act 2002

Name of court	
Case no.	
Date received by the court	
Date issued	

Notes to applicants

- Before filling in this form, please read the guidance notes on completing the form.
- Please complete every Part. If you are not sure of the answer to any question, or you do not think that it applies to you, please say so.
- If there is not enough room on the form for your reply, you may continue on a separate sheet. Put the child's full name, the number of the Part and the paragraph reference at the top of the continuation sheet.
- Please use black ink when filling in the form.

Part 1 About you

See Note 1

First applicant

a) Title

- ☐ Mr ☐ Mrs ☐ Miss
- ☐ Ms ☐ Other _____

b) My name is

First name(s) in full

Last name

c) My address is

d) My telephone number is

e) My relationship to the child is

Second applicant

a) Title

- ☐ Mr ☐ Mrs ☐ Miss
- ☐ Ms ☐ Other _____

b) My name is

First name(s) in full

Last name

c) My address is

d) My telephone number is

e) My relationship to the child is

See Note 2

See Note 2

See Note 3

f) My solicitor in these proceedings is

Name of solicitor			
Name of firm			
Address (including postcode)			
Telephone no.		Fax no.	
DX no.			
E-mail address			

Part 2 About the child

See Note 4

a) The name of the child is

First name(s) in full

Last name

b) The child is a

☐ Boy

☐ Girl

c) The child was born on

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About other orders or proceedings that affect the child

See Note 5

d) ☐ To the best of my/our knowledge, no proceedings relating to the child (other than the Convention adoption, Convention adoption order or other overseas adoption or determination under section 91 of the Adoption and Children Act 2002 entered in Part 4 of this application) have been completed or commenced in any court

or

☐ The following proceedings relating to the child have been completed/commenced (in addition to the Convention adoption, Convention adoption order or other overseas adoption or determination by an overseas authority under section 91 of the Adoption and Children Act 2002 entered in Part 4 of this application)

Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court	Case number (or serial number)

Cases concerning a related child

- e) ☐ To the best of my/our knowledge, no proceedings relating to a full, half or step brother or sister of the child have been completed or commenced in any court

or

- ☐ The following proceedings relating to a full, half or step brother or sister of the child have been completed/commenced (please give details below and, if you were a party to any proceedings that have been completed, **attach a copy of the final order**)

Relationship to child (eg. sister, half-brother)	Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court	Case number (or serial number)

Part 3 About the child's adopters

The name(s) and address(es) of the child's adopter(s) is/are:

See Note 6

First adoptive parent

- a) First name(s) in full

Last name

- b) Address is (if deceased, please write 'Deceased' in the address box)

Second adoptive parent

- c) First name(s) in full

Last name

- d) Address is (if deceased, please write 'Deceased' in the address box)

Part 4 About this application

See Note 7

a) I/we apply for annulment of the

- ☐ Convention adoption ☐ Convention adoption order

made by (give name of court or authority that made the order)

made on (date)

on the ground that the adoption is contrary to public policy.

See Note 7

- ☐ I/we confirm that the [person adopted is] [adopter(s) are] habitually resident in England and Wales immediately prior to the making of this application.

See Note 8

A copy of the Convention adoption or Convention adoption order is attached

b) I/we apply for an order that the [overseas adoption] [determination under section 91 of the Adoption and Children Act 2002]

made on (date)

cease to be valid on the ground that:

- ☐ the adoption or determination is contrary to public policy
or
☐ that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case

See Note 7

A copy of the overseas adoption or determination under section 91 of the Adoption and Children Act 2002 is attached

c) I/we apply for an order deciding the extent, if any, to which a determination under section 91 has been affected by a subsequent determination

See Note 7

A copy of the determination under section 91 is attached

d) The reasons for this application are:

See Note 9

Part 5 Statement of truth

First applicant

*[I believe] [The first applicant believes] that the facts stated in this application are true.

*I am duly authorised by the first applicant to sign this statement.

Print full name

Signed

Date

*[First applicant] [First applicant's solicitor] [First applicant's litigation friend]

*delete as appropriate

Second applicant

*[I believe] [The second applicant believes] that the facts stated in this application are true.

*I am duly authorised by the second applicant to sign this statement.

Print full name

Signed

Date

*[Second applicant] [Second applicant's solicitor] [Second applicant's litigation friend]

*delete as appropriate

If you attend the court for a hearing

1. Do you/either of you have a disability for which you require special assistance or special facilities?

☐ Yes

☐ No

If Yes, please say what your needs are below
(the court staff will get in touch with you about your requirements)

2. Do you/either of you want to use the services of an interpreter?

☐ Yes

☐ No

If Yes, please specify which language
(court staff will get in touch with you about your requirements)

What to do now

Once you have completed and signed this form, you should take or send the form **and three copies** to the High Court, together with the court fee* and the following documents:

- a copy of the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91 you are asking the court to annul or declare invalid;
- a copy of any other determinations under section 91;
- if you were a party to the proceedings, a copy of any final order relating to the child that has effect;
- if you were a party to the proceedings, a copy of any final order relating to a full, half or step brother or sister of the child that has effect;
- a copy of any court order giving you permission to apply for the Convention adoption, Convention adoption order or other overseas order to be annulled.

*If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the court for information.

Application for an order to annul a Convention adoption or Convention adoption order or for an overseas adoption or determination under section 91 to cease to be valid (Form A63)

Notes on completing the form

Important

If you are attaching any order of the High Court or a county court to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). If you are attaching an order made by a magistrates' court, it must be a certified copy (a copy certified by the court officer to be a true copy of the original order), or a copy that bears the stamp of the originating court. An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, **and three copies**, to the High Court, together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think you may be exempt from paying all or part of the fee, you should contact the court for information.

Notes on the application form

Note 1

An application may be made to the High Court under section 89 of the Adoption and Children Act 2002 for:

- An order to annul a Convention adoption or Convention adoption order on the ground that the adoption is contrary to public policy;
- An order that an overseas adoption or a determination under section 91 cease to be valid on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case; or
- A decision about the extent, if any, to which a determination under section 91 has been affected by a subsequent determination under that section.

An 'overseas adoption' is one occurring in a place, under the law of that place, listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973.

Note 2

If you do not want your private address and telephone number to be disclosed to any other party, do not enter those details on this application form. Instead you should enter the details on Form A65, which you must file at the court with your application. The information will not then be disclosed to any other person, except by order of the court.

Note 3

Enter your relationship to the child, for example, adopter, parent. If you are the child enter 'subject child'. If you do not have a relationship to the child enter 'none'.

Note 4

Please give the name of the child as it appears on the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91.
You must attach a copy of the order (or determination) to your application.

Note 5

If there are any other earlier, or current, court proceedings relating to the child, give the name of the court, the nature of the proceedings and the date and effect of any order made. You should attach a copy of any court order to the application. You do not need to enter here the details of the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91 you are asking the court to annul or declare invalid. Instead, you should enter those details in Part 4 'About this application'.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

If there are earlier, or current, court proceedings relating to a full, half or step brother or sister of the child, give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

Note 6

Give the names of the child's adoptive parents.

Note 7

In Part 4 of the application please indicate the order(s) you are asking the court to make and complete the relevant additional details required. **You should ensure you attach a copy of the order (or determination) to this application.**

If you are applying for an order to annul the Convention adoption or Convention adoption order complete paragraph (a) in Part 4. You should then give your reasons for believing that the Convention adoption or Convention adoption order is contrary to public policy in paragraph (d).

If you are applying for an order that the overseas adoption or determination under section 91 should cease to be valid please complete paragraph (b) in Part 4. You should tick the appropriate box to indicate whether this is because:

- you believe the overseas adoption or determination to be contrary to public policy or
- the authority which purported to authorise the adoption or determination was not competent to do so;

and give your reason(s) for this in paragraph (d).

If you are asking the court to decide the extent to which a determination under section 91 has been affected by a subsequent determination under that section, complete paragraph (c) of Part 4. You should then give your reasons for the application in paragraph (d).

Note 8

An application to annul a Convention adoption or Convention adoption order can only be made if immediately before an application is made the person adopted or the adopter(s) were habitually resident in England and Wales. Please confirm that this is the case by ticking the appropriate box in paragraph (a) of Part 4.

Note 9

Please set out the reasons for your application. If there is not enough room for your reply, please continue on a separate sheet. Put the child's name, the number of the Part and the paragraph reference at the head of the continuation sheet.

If you have withheld your address or telephone number on the application form, you should make sure that the reasons you give for your application do not include any information that could lead to those details being disclosed.

Note 10

Special assistance or facilities for disability if you attend court

If you/either of you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter. The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.