

SCHEDULES

SCHEDULE 3

Minor and consequential amendments

PART 1

Amendments of primary legislation

The Legitimacy Act (Northern Ireland) 1928

1. In section 8A (legitimation of adopted child)—
 - (a) in subsection (1) after “1987” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) in subsection (2)—
 - (i) in paragraph (a) after “40” insert “or subsection (3)(b) of section 66”;
 - (ii) in paragraph (b) after “42” insert “or section 66, 67 or 68 of the Adoption and Children Act (Northern Ireland) 2022”.

The Births and Deaths Registration (Northern Ireland) Order 1976

2. In Article 37 (registration or alteration of child’s name), in paragraph (1)—
 - (a) for “Article 52(1)(a) of the Adoption (Northern Ireland) Order 1987” substitute “paragraph 4 of Schedule 1 to the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) for “Article 50 of that Order” substitute “section 76 of that Act”.

The Child Abduction and Custody Act 1985

3. In Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders), in paragraph 8—
 - (a) after head (b) insert—
 - “(ba) a special guardianship order (as defined by Article 14A of that Order);”;
 - (b) in head (c) omit sub-head (v).

The Child Abduction (Northern Ireland) Order 1985

4.—(1) Article 3 (offence of abduction of child by parent, etc.) is amended as follows.

- (2) In paragraph (2), after sub-paragraph (c) insert—
 - “(ca) he is a special guardian of the child; or”.
- (3) In paragraph (2A), for sub-paragraphs (a) and (b) substitute—
 - “(a) the person is a person in whose favour there is a residence order in force with respect to the child, and the person takes or sends the child out of the United Kingdom for a period of less than one month; or
 - (b) the person is a special guardian of the child and takes or sends the child out of the United Kingdom for a period of less than three months.”.
- (4) In paragraph (3A)(a)—
 - (a) omit the “or” at the end of head (i);
 - (b) after that head insert—
 - “(ia) who is a special guardian of the child; or”.
- (5) In paragraph (5)—
 - (a) in the definition of “the appropriate consent”, in sub-paragraph (a) after head (iii) insert—
 - “(iiia) any special guardian of the child;”;
 - (b) after ““guardian of a child”,” insert ““special guardian”,”.

5.—(1) In the Schedule (modifications of Article 3 for children in certain cases), paragraph 3 is amended as follows.

- (2) For sub-paragraphs (1) and (2) substitute—
 - “(1) This paragraph applies where—
 - (a) a child is placed for adoption by an adoption agency under section 16 of the Adoption and Children Act (Northern Ireland) 2022, or an adoption agency is authorised to place the child for adoption under that section; or
 - (b) a placement order under section 18 of the Adoption and Children Act (Northern Ireland) 2022 is in force in respect of the child; or
 - (c) an application for such an order has been made in respect of the child and has not been disposed of; or
 - (d) an application for an adoption order has been made in respect of the child and has not been disposed of; or
 - (e) an order under section 83 of the Adoption and Children Act (Northern Ireland) 2022 (giving parental responsibility prior to adoption abroad), or

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an application for such an order in respect of the child has been made and has not been disposed of.

- (2) Where this paragraph applies, Article 3 has effect as if—
- (a) the reference in paragraph (1) to the appropriate consent were—
- (i) in a case within sub-paragraph (1)(a), a reference to the consent of each person who has parental responsibility for the child or to the leave of the court;
 - (ii) in a case within sub-paragraph (1)(b), a reference to the leave of the court which made the placement order;
 - (iii) in a case within sub-paragraph (1)(c) or (d), a reference to the leave of the court to which the application was made;
 - (iv) in a case within sub-paragraph (1)(e), a reference to the leave of the court which made the order or, as the case may be, to which the application was made; and
- (b) paragraphs (2A) to (4) and the definition of “the appropriate consent” in paragraph (5) were omitted.”
- (3) In sub-paragraph (3)—
- (a) in head (a), for “Article 3 of the Adoption (Northern Ireland) Order 1987” substitute “section 2(2) of the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) in head (b), for “Article 12(1) of that Order” substitute “section 43 of that Act”.

The Mental Health (Northern Ireland) Order 1986

6. In Article 34 (minors under guardianship, etc.), in paragraph (3) after ““guardian”” insert “includes a special guardian (within the meaning of the Children (Northern Ireland) Order 1995), but”.

The Family Law Act 1986

7. In section 1 (orders to which Part 1 applies), in subsection (1) after paragraph (c) insert—

- “(ca) a special guardianship order made by a court in Northern Ireland under the Children (Northern Ireland) Order 1995;
- (cb) an order made under section 23 of the Adoption and Children Act (Northern Ireland) 2022 (contact), other than an order varying or revoking such an order;
- (cc) an order made under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact), other than an order varying or revoking such an order;”.

8. In section 19 (jurisdiction: general), after subsection (1) insert—

“(1A) A court in Northern Ireland shall not have jurisdiction to make a special guardianship order under the Children (Northern Ireland) Order 1995 unless the condition in section 20 of this Act is satisfied.

(1B) A court in Northern Ireland shall not have jurisdiction to make an order under section 23 of the Adoption and Children Act (Northern Ireland) 2022 unless the condition in section 20 of this Act is satisfied.

(1C) A court in Northern Ireland shall not have jurisdiction to make an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 unless—

- (a) it has jurisdiction under the Council Regulation or the Hague Convention, or
- (b) neither the Council Regulation nor the Hague Convention applies but the condition in section 20 of this Act is satisfied.”.

The Adoption (Northern Ireland) Order 1987

9. In Article 39 (meaning of “adoption” in Part 5), in paragraph (2) after “this Part” insert “but does not include an adoption of a kind mentioned in sub-paragraphs (c) to (d) of paragraph (1) effected on or after the day on which Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022 comes into operation”.

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989

10. In Article 33 (declarations as to adoptions effected overseas)—

- (a) in paragraph (1)(a), for “Article 2(2) of the Adoption (Northern Ireland) Order 1987” substitute “section 159(1) of the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in paragraph (2)(a), for “Article 40 of the Adoption (Northern Ireland) Order 1987” substitute “section 66 of the Adoption and Children Act (Northern Ireland) 2022”.

The Armed Forces Act 1991

11. In section 17(4) (persons to be given notice of application for service family child assessment order), after paragraph (db) insert—

“(dc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

12. In section 18(7) (persons who may apply to vary or discharge a service family child assessment order), after paragraph (db) insert—

“(dc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

13. In section 20(8) (persons who are to be allowed reasonable contact with a child subject to a protection order), after paragraph (cb) insert—

“(cc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

14. In section 22A(7) (persons who are to be allowed reasonable contact with a child in service police protection), after paragraph (cb) insert—

“(cc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

The Health and Personal Social Services (Northern Ireland) Order 1991

15. In Article 10A (definition of “social care and children functions”), in paragraph (1)(e), for “Adoption (Northern Ireland) Order 1987” substitute “Adoption and Children Act (Northern Ireland) 2022”.

The Child Support (Northern Ireland) Order 1991

16. In Article 4 (meaning of certain other terms used in the Order), in paragraph (4) after sub-paragraph (b) insert—

“(ba) special guardians (within the meaning of Article 14A of the Children (Northern Ireland) Order 1995);”.

17. In Article 27 (disputes about parentage), in paragraph (3) after “1987” insert “or Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

The Social Security Contributions and Benefits (Northern Ireland) Act 1992

18.—(1) Section 167ZBA (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In subsection (1)—

- (a) omit “who is looked after by an authority and”;
- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”

- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.
 - (3) Omit subsection (2).
 - (4) In subsection (3)—
 - (a) for “as if the following references or definitions were such references or definitions as may be prescribed” substitute “with the following modifications”;
 - (b) in paragraph (a) at the end add “are to be treated as references to the child being placed under Article 27 in that manner”;
 - (c) in paragraph (b) at the end add “is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under Article 27”;
 - (d) in paragraph (c) at the end add “is to be treated as a reference to placement under Article 27”;
 - (e) in paragraph (d) at the end add “is to be treated as if it were a definition of “prospective adopter””.
 - (5) In subsection (4), for “as mentioned in those subsections” substitute “under Article 27 of the Children (Northern Ireland) Order 1995”.
 - (6) In subsection (5)—
 - (a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—
 - ““approved as an authority foster parent” and “approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;
 - (b) omit the definition of “child who is looked after by an authority”.
 - (7) Omit subsection (6).
- 19.** In section 167ZL (statutory adoption pay: entitlement), in subsection (4A) for “the Adoption (Northern Ireland) Order 1987 (see Article 2(6) to (8) of that Order)” substitute “the Adoption and Children Act (Northern Ireland) 2022 (see section 159(3) of that Act)”.
- 20.—**(1) Section 167ZLA (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.
- (2) In subsection (1)—
 - (a) omit “who is looked after by an authority and”;
 - (b) for “the authority” substitute “an authority”;
 - (c) for “Article 27(2)(a)” substitute “Article 27”;

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- (d) omit “, in the circumstances mentioned in paragraph (2),”
 - (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) for “as if the following references or definitions were such references or definitions as may be prescribed” substitute “with the following modifications”;
 - (b) in paragraph (a) at the end add “is to be treated as a reference to the child being placed under Article 27 in that manner”;
 - (c) in paragraph (b) at the end add “is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under Article 27”;
 - (d) in paragraph (c) at the end add “is to be treated as a reference to placement, or expected placement, under Article 27”.
- (5) In subsection (4) for “as mentioned in subsection (1)” substitute “under Article 27 of the Children (Northern Ireland) Order 1995”.
- (6) In subsection (5)—
- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
 - (b) omit “and “child who is looked after by an authority””.
- 21.—(1)** Section 167ZY (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.
- (2) In paragraph (1)—
- (a) omit “who is looked after by an authority and”;
 - (b) for “the authority” substitute “an authority”;
 - (c) for “Article 27(2)(a)” substitute “Article 27”;
 - (d) omit “, in the circumstances mentioned in paragraph (2),”
 - (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.
- (3) Omit subsection (2).
- (4) In subsection (3) for the words from “as if” to the end substitute “, with the following modifications—

- (a) the references to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter;
 - (b) the references to a placement for adoption are to be treated as references to placement under Article 27 of the Children (Northern Ireland) Order 1995 with such a person.
- (5) In subsection (4)—
- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
 - (b) omit “and “child who is looked after by an authority””.

The Children (Northern Ireland) Order 1995

- 22.** In Article 2 (interpretation), in paragraph (2)—
- (a) omit the definition of “Adoption Order”;
 - (b) insert the following at the appropriate places—
 - ““adoption order” means an adoption order within the meaning of section 43(1) of the Adoption and Children Act (Northern Ireland) 2022”;
 - ““Article 50A plan” has the meaning given by Article 50A(6);”;
 - ““special guardian” and “special guardianship order” have the meanings given by Article 14A;”;
 - (c) omit the definition of “protected child”.
- 23.** In Article 7 (acquisition of parental responsibility), in paragraph (1B)—
- (a) in sub-paragraph (a) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) in sub-paragraph (b) for “Article 57 of the Adoption Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”.
- 24.** In Article 8 (residence, contact and other orders with respect to children), in paragraph (4), for sub-paragraph (e) substitute—
- “(e) the Adoption and Children Act (Northern Ireland) 2022;”.
- 25.** In Article 9 (restrictions on making Article 8 orders), in paragraph (5)(a) after “order” insert “or an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact)”.
- 26.** In Article 10 (power of court to make Article 8 orders)—

- (a) in paragraph (4)(a), for “or guardian” substitute “, guardian or special guardian”;
- (b) after paragraph (5) insert—
 - “(5A) An authority foster parent is entitled to apply for a residence order with respect to a child if the child has lived with the authority foster parent for a period of at least one year immediately preceding the application.”;
- (c) after paragraph (7) insert—
 - “(7A) If a special guardianship order is in force with respect to a child, an application for a residence order may only be made with respect to the child, if apart from this paragraph the leave of the court is not required, with such leave.”.

27. In Article 12 (residence orders and parental responsibility), in paragraph (3)

- (a) in sub-paragraph (a) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in sub-paragraph (b), for “Article 57 of the Adoption Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”.

28. In Article 16 (family assistance orders), in paragraph (2)(a) for “or guardian” substitute “, guardian or special guardian”.

29. In Article 22 (powers of person with parental responsibility), in paragraph (3) omit the “or” at the end of sub-paragraph (a) and after that sub-paragraph insert—

- “(aa) who is a special guardian of the child; or”.

30. In Article 28 (regulations under Article 27), in paragraph (1) omit sub-paragraph (d).

31. In Article 33 (arrangements to assist children to live abroad)—

- (a) in paragraph (4) after “guardian,” insert “special guardian,”;
- (b) in paragraph (6) for the words from the beginning to “adoption)” substitute “Section 84 of the Adoption and Children Act (Northern Ireland) 2022 (restrictions on taking children out)”;
- (c) at the end add—

- “(9) This Article does not apply to an authority placing a child for adoption with prospective adopters.”.

32. In Article 34E (personal advisers)—

- (a) in paragraph (1)—
 - (i) for “21” substitute “25 (or such other age as may be prescribed)”;
 - (ii) in sub-paragraph (b) omit “or”;
 - (iii) after sub-paragraph (c) insert “; or

(d) persons to whom Article 34DC applies.”;

(b) after paragraph (2) insert—

“(3) Where an authority ceases to be under a duty to provide a personal adviser for a person under any provision of this Part, that does not affect any other duties under this Part to provide a personal adviser for the person.

(4) Where an authority has more than one duty under this Part to provide a personal adviser for a person, each duty is discharged by the provision of the same personal adviser (the authority is not required to provide more than one personal adviser for the person).”.

33. In Article 34F (pathway plans)—

(a) in paragraph (1)—

(i) after sub-paragraph (a) (but before the “and” at the end) insert—

“(aa) in the case of a plan prepared under Article 34DB, the advice and support that the authority intend to provide;”;

(ii) in sub-paragraph (b) after “Article 34C” insert “or Article 34DC”;

(b) after paragraph (1) insert—

“(1A) An authority may carry out an assessment under Article 34DB(5) of a person’s needs at the same time as any assessment of the person’s needs is made under Article 34DC(3).

(1B) The Department may by regulations make provision as to assessments for the purposes of Article 34C(3), 34DB(5) or 34DC.

(1C) Regulations under paragraph (1B) may in particular make provision about—

(a) who is to be consulted in relation to an assessment;

(b) the way in which an assessment is to be carried out, by whom and when;

(c) the recording of the results of an assessment;

(d) the considerations to which an authority is to have regard in carrying out an assessment.

(1D) An authority must keep each pathway plan prepared by them under Article 34C, 34DB or 34DC under review.”.

34. In Article 35 (persons qualifying for advice and assistance)—

(a) for paragraph (1) substitute—

“(1) In this Part “a person qualifying for advice and assistance” means a person to whom paragraph (1A) or (1B) applies.

(1A) This paragraph applies to a person—

(a) who has reached the age of 16 but not the age of 21;

(b) with respect to whom a special guardianship order is in force (or, if the person has reached the age of 18, was in force when the person reached that age); and

(c) who was, immediately before the making of that order, looked after by an authority.

(1B) This paragraph applies to a person to whom paragraph (1A) does not apply, and who—

(a) is under 21; and

(b) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered.”;

(b) in paragraph (2), for “paragraph (1)(b)” substitute “paragraph (1B)(b)”;

(c) in paragraph (5), before sub-paragraph (a) insert—

“(za) in the case of a person to whom paragraph (1A) applies, an authority determined in accordance with regulations made by the Department;”.

35. In Article 35A (advice and assistance for qualifying persons)—

(a) in paragraph (2)(b), after “a person” insert “to whom Article 35(1A) applies, or to whom Article 35(1B) applies and”;

(b) in paragraph (3)(a), after “if” insert “he is a person to whom Article 35(1A) applies, or he is a person to whom Article 35(1B) applies and”.

36. In Article 35B (assistance with employment, education and training)—

(a) in each of paragraphs (1) and (3)(b) after “of” insert “Article 35(1A) or”;

(b) in paragraph (3)(a) for “24” substitute “25 (or such other age as may be prescribed)”.

37. In Article 52 (effect of care order)—

(a) in paragraph (3)(b) for “or guardian” substitute “, guardian or special guardian”;

(b) in paragraph (5) for “a parent or guardian of the child who has care of him” substitute “a person mentioned in that provision who has care of the child”;

(c) in paragraph (6)(b)—

(i) in head (i) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;

(ii) in head (ii) for “Article 57 of that Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”;

(d) in paragraph (9) for “a parent or guardian of the child” substitute “a person mentioned in that provision”.

- 38.** In Article 53 (parental contact etc with children in care)—
- (a) in paragraph (1)(b) after “guardian” insert “or special guardian”; and
 - (b) after paragraph (1)(b) insert—
 - “(ba) any person who by virtue of Article 7(1A) has parental responsibility for the child;”.
- 39.** In Article 153 (child care training), in paragraph (3) for “Adoption Order” substitute “Adoption and Children Act (Northern Ireland) 2022”.
- 40.** In Article 155 (parents not being married to, or civil partners of, each other to have no effect in law on relationships), in paragraph (3) for sub-paragraph (c) substitute—
- “(c) is an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022; or”.
- 41.** In Article 178 (power of constable to assist in exercise of certain powers to search for children or inspect premises), in paragraph (6) omit sub-paragraph (c).
- 42.** In Article 179 (effect and duration of orders, etc.), after paragraph (5) insert—
- “(5A) The making of a special guardianship order with respect to a child who is the subject of—
 - (a) a care order; or
 - (b) an order under Article 53,discharges that order.”.
- 43.** In Schedule 1 (financial provision for children)—
- (a) in paragraph 2 (orders for financial relief against parents)—
 - (i) in sub-paragraph (1), for “or guardian” substitute “, guardian or special guardian”; and
 - (ii) in sub-paragraph (6), after “order” insert “or a special guardianship order”;
 - (b) in paragraph 7 (variation etc. of orders for periodical payments), in sub-paragraph (8), after “guardian” insert “or special guardian”;
 - (c) in paragraph 10 (financial relief under other statutory provisions), in sub-paragraph (1) and in sub-paragraph (2)(b), after “residence order” insert “or a special guardianship order”.
- 44.** In Schedule 6 (property rights etc.), in paragraph 2 (dispositions of property), in sub-paragraph (5) at the end insert “or section 68 of the Adoption and Children Act (Northern Ireland) 2022 (rules of interpretation for instruments concerning property).”.

The Children (Scotland) Act 1995

45. In section 26 (manner of provision of accommodation to child looked after by local authority), in subsection (2)(b)(ii) for “Article 27(2)(b) to (e)” substitute “Article 27(2)(aa)”.

The Employment Rights (Northern Ireland) Order 1996

46. In Article 85ZJ (right to paid time off to attend adoption appointments) in paragraph (13) for “for the purposes of the Adoption (Northern Ireland) Order 1987 (see Articles 2(2) and 3(3) of the Order)” substitute “within the meaning of section 2(2) of the Adoption and Children Act (Northern Ireland) 2022”.

47.—(1) Article 85ZS (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

- (a) for the words “an approved foster parent and an approved prospective adopter” substitute “approved as an authority foster parent and approved as a prospective adopter”;
- (b) omit “who is looked after by it”;
- (c) omit “, in the circumstances mentioned in paragraph (2),”;
- (d) for “Article 27(2)(a)” substitute “Article 27”.

(3) Omit paragraph (2).

(4) In paragraph (3), for the words from “references” in the first place it occurs to the end substitute “—

- (a) references to adoption or placement for adoption were references to placement of a child under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;
- (b) references to placing for adoption were references to placing a child under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;
- (c) references to an adoption agency were references to an authority.”.

(5) In paragraph (4), for “as referred to in paragraphs (1) and (2)” substitute “under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(6) In paragraph (5)—

- (a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

““approved as an authority foster parent” and approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(7) Omit paragraph (6).

48.—(1) Article 107AB (ordinary adoption leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a) for “an approved foster parent” substitute “approved as an authority foster parent”;

(b) in sub-paragraph (b) for “an approved prospective adopter” substitute “approved as a prospective adopter”;

(c) in sub-paragraph (c)—

(i) omit “who is looked after by it”;

(ii) for “Article 27(2)(a)” substitute “Article 27”;

(iii) omit “, in the circumstances mentioned in paragraph (2)”.

(3) Omit paragraph (2).

(4) In paragraph (3)—

(a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

““approved as an authority foster parent” and “approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(5) Omit paragraph (4).

49.—(1) Article 107H (entitlement to shared parental leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) omit “who is looked after by an authority and”;

(b) for “the authority” substitute “an authority”;

(c) for “Article 27(2)(a)” substitute “Article 27”;

(d) omit “, in the circumstances mentioned in paragraph (2),”;

(e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

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(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

(a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;

(b) omit “and “child who is looked after by an authority””.

50.—(1) Article 112BA (entitlement to paternity leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) omit “who is looked after by an authority and”;

(b) for “the authority” substitute “an authority”;

(c) for “Article 27(2)(a)” substitute “Article 27”;

(d) omit “, in the circumstances mentioned in paragraph (2),”;

(e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

(a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;

(b) omit “and “child who is looked after by an authority””.

The Police Act 1997

51. In section 113A (criminal record certificates), in subsection (6D)(aa) after “1987” insert “or an offence under section 27, 28, 29, 30, 31, 32, 33, 82, 84, 89, 97 or 99 of the Adoption and Children Act (Northern Ireland) 2022”.

The Family Homes and Domestic Violence (Northern Ireland) Order 1998

52. In Article 2 (interpretation)—

(a) in paragraph (2) for the definition of “adoption order” substitute—
““adoption order” means an adoption order within the meaning of Article 2(2) of the Adoption (Northern Ireland) Order 1987 or section 43(1) of the Adoption and Children Act (Northern Ireland) 2022.”;

(b) in paragraph (3), after sub-paragraph (i) insert—
“(j) the Adoption and Children Act (Northern Ireland) 2022.”.

53. In Article 3 (meaning of “cohabitees” etc.)—

(a) in paragraph (2), in sub-paragraph (b) after “Adoption (Northern Ireland) Order 1987” insert “, the Adoption and Children Act (Northern Ireland) 2022”;

(b) in paragraph (5), for the words from “has been freed” to “Order 1987” substitute “falls within paragraph (7)”;

(c) after paragraph (6) insert—

“(7) A child falls within this paragraph if—

(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act (Northern Ireland) 2022, is authorised to place the child for adoption under section 16 of that Act (placing children with parental consent) or an order under section 18 of that Act (placement orders);

(b) an adoption agency, within the meaning of section 2(1) of the Adoption and Children Act 2002, is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or an order under section 21 of that Act (placement orders);

(c) the child is freed for adoption by an order made under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987; or

(d) the child is the subject of a Scottish permanence order which includes provision granting authority to adopt.

(8) In paragraph (7), “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009).”.

The Justice (Northern Ireland) Act 2002

54. In Schedule 1 (listed judicial offices) omit each of the entries relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.

55. In Schedule 6 (office-holders required to take judicial oath) omit the entry relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.

The Adoption and Children Act 2002

56. In section 63 (counselling), in subsection (4)(b) for the words from “or an” to the end of the paragraph substitute “or an appropriate voluntary organisation within the meaning of the Adoption and Children Act (Northern Ireland) 2022”.

57. In section 65 (sections 56 to 65: interpretation), in subsection (2)(b) for the words from “or an” to “(N.I.22)” substitute “or an appropriate voluntary organisation within the meaning of the Adoption and Children Act (Northern Ireland) 2022”.

58. In section 123 (restriction on advertisements etc.), in subsection (3)(a) for “Article 11 or 58 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I.1987/2203 \(N.I.22\)\)](#)” substitute “section 84 or 96 of the Adoption and Children Act (Northern Ireland) 2022”.

59. In section 144 (general interpretation etc.), in subsection (1)—

- (a) in the definition of “Northern Irish adoption agency” for “Article 3 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “section 2 of the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in the definition of “Northern Irish adoption order” after “Order 1987” insert “or an adoption order within the meaning of section 43(1) of the Adoption and Children Act (Northern Ireland) 2022”.

The Marriage (Northern Ireland) Order 2003

60.—(1) Article 22 (relevant consents required) is amended as follows.

(2) For paragraph (2), substitute—

“(2) The relevant consents are—

(a) if none of sub-paragraphs (b) to (h) apply, the consent of—

(i) any parent of the young person who has parental responsibility for the young person; and

(ii) any guardian of the young person;

- (b) where a special guardianship order is in force with respect to the young person, the consent of each of the young person’s special guardians, unless any of sub-paragraphs (c) to (g) applies;
- (c) where a care order is in force with respect to the young person, the consent of the Health and Social Care trust designated in the order, and each parent, guardian or special guardian (in so far as their parental responsibility has not been restricted under Article 52(3) of the Children (Northern Ireland) Order 1995), unless sub-paragraph (e) applies;
- (d) where a residence order is in force with respect to the young person, the consent of the persons with whom the young person lives, or is to live, as a result of the order, unless sub-paragraph (e) applies;
- (e) where an adoption agency is authorised to place the young person for adoption under section 16 of the Adoption and Children Act (Northern Ireland) 2022, the consent of that agency or, where a care order is in force with respect to the young person, the consent of the Health and Social Care trust designated in the order;
- (f) where a placement order is in force with respect to the young person, the consent of the appropriate adoption authority;
- (g) where a young person has been placed for adoption with prospective adopters, the consent of the prospective adopters (in so far as their parental responsibility has not been restricted under section 22(4) of the Adoption and Children Act (Northern Ireland) 2022), in addition to those persons specified in sub-paragraph (e) or (f);
- (h) where none of sub-paragraphs (b) to (g) apply but a residence order was in force with respect to the young person immediately before the young person reached the age of sixteen, the persons with whom the young person lived, or was to live, as a result of the order.”.

(3) For paragraph (4) substitute—

“(4) In paragraph (2)—

“care order”, “Health and Social Care trust”, “parental responsibility”, “residence order”, “special guardian” and “special guardianship order” have the same meaning as in the Children (Northern Ireland) Order 1995 and in sub-paragraph (a)(ii) of that paragraph the reference to any guardian of the young person is a reference to any person falling within the definition of “guardian of a child” in Article 2(2) of that Order;

“adoption agency”, “adoption authority”, “placement order” and “placed for adoption” have the same meaning as in the Adoption and Children Act (Northern Ireland) 2022;

“appropriate adoption authority” means the adoption authority authorised by the placement order to place the young person for adoption.”.

The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

- 61.** In Article 2 (interpretation), in paragraph (2)—
- (a) in the definition of “voluntary adoption agency” for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) in the definition of “voluntary organisation” for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”.
- 62.** In Article 15 (cancellation of registration), in paragraph (2) for sub-paragraph (e) substitute —
- “(e) an offence under regulations under section 1(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001;
 - (f) an offence under the Adoption and Children Act (Northern Ireland) 2022 or regulations made under it.”.
- 63.** In Article 36 (provision of information), in paragraph (2)(a) for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”.
- 64.** In Article 38 (statements of minimum standards), in paragraph (4)(d) at the end insert “or proceedings against a voluntary adoption agency for an offence under Article 10(2) of the Adoption (Northern Ireland) Order 1987 or section 9 of the Adoption and Children Act (Northern Ireland) 2022”.
- 65.** In Article 40 (information, entry and inspection), in paragraph (3)(b) for “Article 10 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “section 9 of the Adoption and Children Act (Northern Ireland) 2022”.

The Access to Justice (Northern Ireland) Order 2003

- 66.** In Article 39 (conditional fee agreements: supplementary), in paragraph (2) (c) for “the Adoption (Northern Ireland) Order 1987” substitute “the Adoption and Children Act (Northern Ireland) 2022”.
- 67.** In Schedule 2 (civil legal services: excluded services), in paragraph 6, at the end insert “or the Adoption and Children Act (Northern Ireland) 2022”.

The Commissioner for Children and Young People (Northern Ireland) Order 2003

68. In Article 3 (interpretation: child or young person), in paragraph (2)(a) after “34D,” insert “34DB, 34DC,”.

The Children and Adoption Act 2006

69. Omit sections 9 to 12 (special restrictions on adoptions from abroad etc.).

70. In section 17 (short title, commencement and extent)—

(a) omit subsection (5);

(b) in subsection (8), omit paragraphs (a) and (b).

The Sexual Offences (Northern Ireland) Order 2008

71. In Article 34 (family relationships), in paragraph (1)(b) after “adoption” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022 (status conferred by adoption)”.

72. In Article 36 (Articles 32 and 33: sexual relationships which pre-date family relationships), in paragraph (1)(b) after “(NI 22)” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022”.

73. In Article 68 (sex with an adult relative: penetration), in paragraph (3)(b) for “an adopted child within the meaning of Part 5 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

74. In Article 69 (sex with an adult relative: consenting to penetration), in paragraph (3)(b) for “an adopted child within the meaning of Part 5 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

The Human Fertilisation and Embryology Act 2008

75. In section 55 (parental orders: supplementary provision), in subsection (3)—

(a) at the end of paragraph (c) omit the word “and”;

(b) at the end of paragraph (d) insert “, and

(e) the Adoption and Children Act (Northern Ireland) 2022.”.

The Children’s Services Co-operation Act (Northern Ireland) 2015

76. In section 9 (interpretation), in subsection (2)(a) after “34D,” insert “34DB, 34DC,”.

Status: This is the original version (as it was originally enacted).

The Mental Capacity Act (Northern Ireland) 2016

77. In section 285 (family relationships etc.)—

- (a) in subsection (1), in paragraph (e) for “the Adoption (Northern Ireland) Order 1987” substitute “the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in subsection (2), for paragraphs (a) and (b) substitute—
 - “(a) an order under section 43(1) or 83 of the Adoption and Children Act (Northern Ireland) 2022”;
 - (b) an order under section 46(1) or 84 of the Adoption and Children Act 2002; or
 - (c) an order under section 28(1) or 59 of the Adoption and Children (Scotland) Act 2007.”.

The Data Protection Act 2018

78.—(1) Paragraph 8(1) of Schedule 3 (exemptions etc from GDPR: social work) is amended as follows.

- (2) In head (q), in sub-head (ii)—
 - (a) for “guardian ad litem” substitute “children’s court guardian”;
 - (b) for “Article 66 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “section 106 of the Adoption and Children Act (Northern Ireland) 2022”.
- (3) After head (x) add—
 - “(y) data processed for the purposes of the functions of the Department of Health in Northern Ireland pursuant to section 12 of the Adoption and Children Act (Northern Ireland) 2022 (independent review of qualifying determinations).”.

79.—(1) Schedule 4 (exemptions etc. from the GDPR: disclosure prohibited or restricted by an enactment) is amended as follows.

- (2) In paragraph 3(4), for head (a) substitute—
 - “(a) sections 76 and 78 of the Adoption and Children Act (Northern Ireland) 2022;”.
- (3) In paragraph 5(4), in head (a)—
 - (a) for “Articles 50 and 54 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “sections 59, 76, 77 and 78 of the Adoption and Children Act (Northern Ireland) 2022”; and
 - (b) for “regulation 3 of and Schedule 2 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010” substitute “regulation 4

of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018”.

The Health and Social Care Act (Northern Ireland) 2022

80.—(1) Schedule 1 (transfer of the Regional Board’s functions) is amended as follows.

- (2) Omit paragraphs 102 to 120.
- (3) Omit paragraph 193(2)(b) and (3)(b).
- (4) Omit paragraph 195(2).