

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Adoption and Children Act (Northern Ireland) 2022, Section 46 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



## 2022 CHAPTER 18

### PART 1

#### Adoption

#### CHAPTER 3

#### Placement for adoption and adoption orders

#### *The making of adoption orders*

PROSPECTIVE

#### **Applications for adoption**

**46.—**(1) An application for an adoption order may be made by—

- (a) a couple; or
- (b) one person,

but only if it is made under section 47 or 48 and one of the following conditions is met.

(2) The first condition is that—

- (a) at least one of the couple (in the case of an application under section 47); or
- (b) the applicant (in the case of an application under section 48),

is domiciled in a part of the United Kingdom, or in any of the Channel Islands or in the Isle of Man.

(3) The second condition is that—

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(a) both of the couple (in the case of an application under section 47) have; or

(b) the applicant (in the case of an application under section 48) has,

been habitually resident in a part of the United Kingdom, or in any of the Channel Islands or in the Isle of Man for a period of not less than one year ending with the date of the application.

(4) An application for an adoption order may only be made if the person to be adopted has not attained the age of 18 years on the date of the application.

(5) References in this Act to a child, in connection with any proceedings (whether or not concluded) for adoption, (such as “child to be adopted” or “adopted child”) include a person who has attained the age of 18 years before the proceedings are concluded.

#### Commencement Information

**II** S. 46 not in operation at Royal Assent, see [s. 160\(1\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)