

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Section 33: Restrictions on removal

Section 33 provides that where an application for an adoption order has been made, notice of intention to apply to adopt has been given (as required under section 41), or the court's leave sought to make an application (under section 39(6)), a child may only be removed in accordance with the provisions detailed in sections 33 to 37 (*subsection (1)*). None of the restrictions prevent removal in the case of the child being arrested (*subsection (4)*).

Where leave to apply to adopt has been granted, the restrictions on removal extend for 3 days to allow notice of intention to be given (*subsection (3)*). In the case of notice of intention to adopt, the restrictions on removal apply for 4 months (under section 41 there must be a minimum of 3 months between the giving of notice and an application to adopt), but a second notice given within 5 months of the first notice will not trigger protection (*subsection (2)*). This is to prevent the giving of repeated notices of intention to adopt as a means of preventing removal of the child.

Where a parent or guardian may remove their child in accordance with section 33, the persons with whom the child has their home must return the child to the parent or guardian at once (*subsection (5)*). A person who fails to comply with this provision or removes a child in breach of section 33 is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale, or both (*subsection (6)*).

This group of sections applies whether or not the child in question is in Northern Ireland (*subsection (7)*) and references to a child placed by an adoption agency includes a child placed by an adoption agency in England, Wales and Scotland.