



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 7

Miscellaneous

Children's court guardians

Children's court guardians

106.—(1) Rules of court must provide for the appointment in prescribed cases of a children's court guardian for the purposes of any relevant application.

(2) Rules of court may provide for the children's court guardian—

- (a) to act on behalf of the child upon the hearing of any relevant application, with the duty of safeguarding the interests of the child in the prescribed manner;
- (b) where the court so requests, to prepare a report on matters relating to the welfare of the child in question;
- (c) to perform prescribed functions.

(3) A report prepared in pursuance of the rules of court on matters relating to the welfare of a child must—

- (a) deal with prescribed matters (unless the court orders otherwise); and
- (b) be made in the manner required by the court.

(4) A person who—

- (a) in the case of an application for the making, varying or revocation of a placement order, is employed by the adoption authority which made the application;
 - (b) in the case of an application for an adoption order in respect of a child who was placed for adoption, is employed by the adoption agency which placed the child; or
 - (c) is within a prescribed description,
- is not to be appointed under subsection (1).
- (5) In this section, “relevant application” means an application for—
- (a) the making, varying or revocation of a placement order;
 - (b) the making of an order under section 23, or the varying or revocation of such an order;
 - (c) the making of an adoption order, or
 - (d) the making of an order under section 83.
- (6) Rules may make provision as to the assistance which the court may require a children’s court guardian to give to it.
- (7) In subsections (1) to (4) “prescribed” means prescribed by rules of court.
- (8) The Department may by regulations provide that children’s court guardians appointed under this section must be selected from persons employed or approved for that purpose by such special agency or other public body as may be prescribed.
- (9) Subsection (8) is not to be taken to prejudice the power of the Lord Chief Justice to confer or impose duties on the Official Solicitor under section 75(2) of the Judicature (Northern Ireland) Act 1978.
- (10) The regulations may, in particular, make provision—
- (a) for the employment or approval of persons for the purposes of this section by such special agency or other public body as may be prescribed;
 - (b) as to the qualifications for appointment as a children’s court guardian;
 - (c) as to the training to be given to children’s court guardians or to persons with a view to their appointment as children’s court guardians; and
 - (d) for monitoring the work of children’s court guardians.
- (11) The Department may, with the approval of the Department of Finance, make such grants as the Department considers appropriate with respect to expenditure incurred under regulations made under subsection (8).

Right of access to adoption agency records

107.—(1) Where a children’s court guardian has been appointed to act under section 106(1), the children’s court guardian has the right at all reasonable times

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

to examine and take copies of any records of, or held by, an adoption agency which were compiled in connection with the making, or proposed making, by any person of any application under this Part in respect of the child concerned.

(2) Where a children's court guardian takes a copy of any record which the children's court guardian is entitled to examine under this section, that copy or any part of it is admissible as evidence of any matter referred to in any—

- (a) report which the children's court guardian makes to the court in the proceedings in question; or
- (b) evidence which the children's court guardian gives in those proceedings.

(3) Subsection (2) has effect regardless of any statutory provision or rule of law which would otherwise prevent the record in question being admissible in evidence.