



2022 CHAPTER 18

PART 3

Miscellaneous and supplementary

*Supplementary*

**Time limit within which proceedings may be brought**

**152.**—(1) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981, summary proceedings for an offence to which this section applies may be brought within a period of six months from the date on which evidence sufficient in the opinion of the complainant to warrant the proceedings came to the complainant's knowledge; but such proceedings may not be brought by virtue of this section more than six years after the commission of the offence.

(2) For the purposes of this section a certificate signed by or on behalf of the complainant and stating the date on which such evidence as is mentioned in subsection (1) came to the complainant's knowledge is conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(3) This section applies to an offence by virtue of—

- section 9;
- section 58;
- section 97;
- section 98;
- section 99; or

section 148.

### **Research and investigations**

**153.** The Department may conduct or promote or assist (by grants or otherwise) any person in conducting research or investigations into any matter connected with the functions under Part 1 of an adoption authority or the Department.

### **Amendments, transitional and transitory provisions, savings and repeals**

**154.—**(1) The statutory provisions set out in Schedule 3 have effect subject to the amendments there specified.

(2) Schedule 4 (transitional and transitory provisions and savings) has effect.

(3) The statutory provisions set out in Schedule 5 are hereby repealed to the extent specified in the second column of that Schedule.

### **Regulations and orders**

**155.—**(1) Regulations other than regulations to which subsection (2) applies are subject to negative resolution.

(2) This subsection applies to regulations under—

- (a) section 3(4);
- (b) section 9 which include provision made under section 42;
- (c) section 24;
- (d) section 52;
- (e) section 77;
- (f) section 98; or
- (g) section 144, 146, 147, 148, 149 or 150,

and to regulations which amend or repeal a provision of an Act of Parliament or Northern Ireland legislation.

(3) Regulations to which subsection (2) applies must not be made unless a draft of them has been laid before, and approved by resolution of, the Assembly.

(4) An order must not be made under—

- (a) section 96(6);
- (b) section 115(4); or
- (c) section 157 if it amends or repeals a provision of an Act of Parliament or Northern Ireland legislation,

unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(5) An order under section 157 other than an order to which subsection (4) (c) applies is subject to negative resolution.

(6) Regulations and orders made under this Act by any Department mentioned in subsection (7) may contain such incidental, supplementary, transitional, transitory or saving provisions as appear to that Department to be necessary or expedient.

(7) The Departments referred to in subsection (6) are—

- (a) the Department;
- (b) the Department of Finance; and
- (c) the Department of Justice.

### **Rules of court**

**156.**—(1) In this Act “rules of court” includes family proceedings rules and county court rules (as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954).

(2) In subsection (1) “family proceedings rules” has the meaning given in Article 12(5) of the Family Law (Northern Ireland) Order 1993.

(3) In the case of an application for a placement order, for the variation or revocation of a placement order, or for an adoption order, the rules must require any person mentioned in subsection (4) to be notified—

- (a) of the date and place where the application will be heard; and
- (b) of the fact that, unless the person wishes or the court requires, the person need not attend.

(4) The persons referred to in subsection (3) are—

- (a) in the case of a placement order, every person who can be found whose consent to the making of the order is required under subsection (3)(a) of section 18 (or would be required but for subsection (3)(b) of that section) or, if no such person can be found, any relative who can be found;
- (b) in the case of a variation or revocation of a placement order, every person who can be found whose consent to the making of the placement order was required under subsection (3)(a) of section 18 (or would have been required but for subsection (3)(b) of that section);
- (c) in the case of an adoption order—

- (i) every person who can be found whose consent to the making of the order is required under subsection (2)(a) of section 44 (or would be required but for subsection (2)(c) of that section) or, if no such person can be found, any relative who can be found;

- (ii) every person who has consented to the making of the order under section 17 (and has not withdrawn the consent) unless the person has given a notice under subsection (4)(a) of that section which has effect;
- (iii) every person who, if leave were given under section 44(5), would be entitled to oppose the making of the order.

(5) In subsection (4) “relative” means a relative prescribed by rules of court.

(6) Rules of court may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to proceedings held in private involving children.

### **Supplementary and consequential provision**

**157.**—(1) Any Department mentioned in subsection (2) may by order make—

- (a) any supplementary, incidental or consequential provision,
- (b) any transitory, transitional or saving provision,

which that Department considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.

(2) The Departments referred to in subsection (1) are—

- (a) the Department;
- (b) the Department of Finance; and
- (c) the Department of Justice.

(3) An order under this section may amend, repeal or modify any statutory provision.

### **Review**

**158.**—(1) The Department must, at least once every three years—

- (a) prepare and publish a report on the implementation of each of the provisions of Parts 1 and 2, and
- (b) lay a copy of the report before the Assembly.

(2) The first report under subsection (1) must be prepared and published within the period of 3 years beginning with the date on which this Act is passed.

(3) This section expires at the end of the period of ten years beginning with the date on which this Act is passed, but this is subject to subsection (4).

(4) Subsection (3) does not have effect unless all of the provisions of Parts 1 and 2 have been commenced and included in a report under this section.

### **Interpretation**

**159.**—(1) In this Act—

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

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- “adoption agency” has the meaning given by section 2;
- “adoption authority” has the meaning given by section 2(2);
- “adoption order” has the meaning given by section 43(1);
- “adoption society” has the meaning given by section 2(2);
- “adoption support services” has the meaning given by section 2(6);
- “appropriate voluntary organisation” has the meaning given by section 2(3);
- “authority foster parent” has the meaning given by Article 2(2) of the Children Order;
- “body” includes an unincorporated body;
- “care order” has the meaning given by Article 2(2) of the Children Order;
- “child”, except where used to express a relationship, means a person who has not attained the age of 18 years;
- “child assessment order” has the meaning given in Article 2(2) of the Children Order;
- “Children Order” means the Children (Northern Ireland) Order 1995;
- “the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;
- “Convention adoption” has the meaning given in section 65(1)(c);
- “Convention adoption order” means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (regulations giving effect to the Convention), is made as a Convention adoption order;
- “Convention country” means a country or territory in which the Convention is in force;
- “court” has the meaning given by section 115(1);
- “the Department” means the Department of Health;
- “fee” includes expenses;
- “guardian” has the same meaning as in the Children Order and includes a special guardian within the meaning of the Children Order;
- “information” means information recorded in any form;
- “interim care order” means an interim care order under Article 57 of the Children Order;
- “notice” means a notice in writing;
- “notice of intention to adopt” has the meaning given in section 41(2);
- “overseas adoption” has the meaning given in section 90(1);

“parental responsibility” has the meaning given in Article 6 of the Children Order;

“placement order” has the meaning given in section 18(1);

“placing a child for adoption” and “placed for adoption” have the meanings given in section 15(5) and section 16(4);

“prescribed”, except in sections 51(7) and (8) and 156(5) and paragraphs 1(4), 3, 4 and 6 of Schedule 1 (where it means prescribed by rules of court), means prescribed by regulations;

“prohibited steps order” has the meaning given in Article 8(1) of the Children Order;

“public body” means a body established by or under any statutory provision;

“regulations” means regulations made by the Department except where they are required to be made by the Department of Finance;

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage or civil partnership;

“residence order” has the meaning given in Article 8(1) of the Children Order;

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;

“rules of court” has the meaning given in section 156(1);

“Scottish adoption order” means an order made, or having effect as if made, under section 28(1) of the Adoption and Children (Scotland) Act 2007 or section 12 of the Adoption (Scotland) Act 1978;

“specific issue order” has the meaning given in Article 8(1) of the Children Order;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“supervision order” has the meaning given in Article 49(1) of the Children Order;

“voluntary organisation” means a body (other than a public body) the activities of which are not carried on for profit.

(2) Any power conferred by this Act to prescribe a fee by regulations includes power to prescribe—

- (a) a fee not exceeding a prescribed amount;
- (b) a fee calculated in accordance with the regulations;
- (c) a fee determined by the person to whom it is payable, being a fee of a reasonable amount.

(3) In this Act “couple” means—

- (a) a married couple;

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

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- (b) two persons who are civil partners of each other; or
  - (c) two persons (whether of different sexes or the same sex) living as partners in an enduring family relationship.
- (4) Subsection (3)(c) does not include two people one of whom is the other's parent, grandparent, sister, brother, aunt or uncle.
- (5) References to relationships in subsection (4)—
- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for adoption; and
  - (b) include the relationship of a child with the child's adoptive, or former adoptive, parents,
- but do not include any other adoptive relationships.
- (6) For the purposes of this Act, a person is the partner of a child's parent if the person and the parent are a couple but the person is not the child's parent.

### **Commencement**

- 160.**—(1) Except as provided by subsection (2), the provisions of this Act come into operation on such day or days as the Department may by order appoint.
- (2) This section and sections 155, 157, 159 and 161 come into operation on the day after the day on which this Act receives Royal Assent.

### **Short title**

- 161.** This Act may be cited as the Adoption and Children Act (Northern Ireland) 2022.