

SCHEDULES

SCHEDULE 3

Minor and consequential amendments

PART 1

Amendments of primary legislation

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 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”.