

*Status: Point in time view as at 01/04/2024.*

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PROSPECTIVE

## SCHEDULES

### SCHEDULE 1

Section 76(6)

#### Registration of adoptions

##### *Registration of adoption orders*

1.—(1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Department of Finance.

(2) Where, on an application to a court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the registers of live-births or other records relates is proved to the satisfaction of the court, any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register or, as the case may be, record in question is marked with the word “Adopted”.

(3) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Northern Ireland under Part 1 of this Act or any other statutory provision—

- (a) sub-paragraph (2) does not apply; and
- (b) the order must contain a direction to the Registrar General to mark the previous entry in the Adopted Children Register with the word “Re-adopted”.

(4) Where an adoption order is made, the prescribed officer of the court which made the order must communicate the order to the Registrar General in the prescribed manner; and the Registrar General must then comply with the directions contained in the order.

(5) In sub-paragraph (4) “prescribed” means prescribed by rules of court.

#### **Commencement Information**

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

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### *Registration of adoptions in Great Britain, the Isle of Man and the Channel Islands*

2.—(1) Sub-paragraphs (2) and (3) apply where the Registrar General is notified by the authority maintaining a register of adoptions in a part of Great Britain or in the Isle of Man or the Channel Islands that an order has been made authorising the adoption of a child.

(2) If an entry in the registers of live-births or other records (and no entry in the Adopted Children Register) relates to the child, the Registrar General must secure that the entry is marked with—

- (a) the word “Adopted”, followed by
- (b) the name, in brackets, of the jurisdiction in which the order was made.

(3) If an entry in the Adopted Children Register relates to the child, the Registrar General must mark the entry with—

- (a) the word “Re-adopted”, followed by
- (b) the name, in brackets, of the jurisdiction in which the order was made.

(4) Where, after an entry in either of the registers or other records mentioned in sub-paragraphs (2) and (3) has been so marked, the Registrar General is notified by the authority concerned that—

- (a) the order has been quashed;
- (b) an appeal against the order has been allowed; or
- (c) the order has been revoked,

the Registrar General must secure that the marking is cancelled.

(5) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under sub-paragraph (4), is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

#### **Commencement Information**

**I2** Sch. 1 para. 2 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *Registration of other adoptions*

3.—(1) If the Registrar General is satisfied, on an application under this paragraph, that there are sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry to be made in the Adopted Children Register for the child, the Registrar General must make the entry accordingly.

(2) If the Registrar General is also satisfied that an entry in the registers of live-births or other records relates to the child, the Registrar General must—

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- (a) secure that the entry is marked “Adopted”, followed by the name, in brackets, of the country in which the adoption was effected; or
- (b) where appropriate, secure that the overseas registers of births are so marked.

(3) An application under this paragraph must be made, in the prescribed manner, by a prescribed person and the applicant must provide the prescribed documents and other information.

(4) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the prescribed form.

(5) In this Schedule “registrable foreign adoption” means an adoption which satisfies prescribed requirements and is either—

- (a) adoption under a Convention adoption; or
- (b) adoption under an overseas adoption.

(6) In this paragraph—

“prescribed” means prescribed by regulations made by the Department of Finance;

“overseas register of births” includes—

- (a) a register made under regulations made by the Secretary of State under section 41(1)(g) or (h) of the British Nationality Act 1981;
- (b) a record kept under an Order in Council made under section 1 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (other than a certified copy kept by the Registrar General for England and Wales).

#### **Commencement Information**

**I3** Sch. 1 para. 3 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Amendment of orders and rectification of Registers and other records*

4.—(1) The court by which an adoption order has been made may, on the application of the adopter or the adopted person, amend the order by the correction of any error in the particulars contained in it.

(2) The court by which an adoption order has been made may, if satisfied on the application of the adopter or the adopted person that within the period of one year beginning with the date of the order any new name—

- (a) has been given to the adopted person (whether in baptism or otherwise); or
- (b) has been taken by the adopted person,

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either in place of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or, as the case may be, adding that name in those particulars.

(3) The court by which an adoption order has been made may, if satisfied on the application of any person concerned that a direction for the marking of an entry in the registers of live-births, the Adopted Children Register or other records included in the order in pursuance of paragraph 1(2) or (3) was wrongly so included, revoke that direction.

(4) Where an adoption order is amended or a direction revoked under subparagraphs (1) to (3), the prescribed officer of the court must communicate the amendment in the prescribed manner to the Registrar General.

(5) The Registrar General must then—

- (a) amend the entry in the Adopted Children Register accordingly; or
- (b) secure that the marking of the entry in the registers of live-births, the Adopted Children Register or other records is cancelled,

as the case may be.

(6) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court must give directions to the Registrar General to secure that—

- (a) any entry in the Adopted Children Register; and
- (b) any marking of an entry in that Register, the registers of live-births or other records as the case may be, which was effected in pursuance of the order,

is cancelled.

(7) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to section 77(2)(b) must be a copy of the entry as amended, without the reproduction of—

- (a) any note or marking relating to the amendment; or
- (b) any matter cancelled in pursuance of it.

(8) A copy or extract of an entry in any register or other record, being an entry the marking of which has been cancelled, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

(9) If the Registrar General is satisfied—

- (a) that a registrable foreign adoption has ceased to have effect, whether on annulment or otherwise; or
- (b) that any entry or mark was erroneously made in pursuance of paragraph 3 in the Adopted Children Register, the registers of live-births, the overseas registers of births or other records,

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the Registrar General may secure that such alterations are made in those registers or other records as the Registrar General considers are required in consequence of the adoption ceasing to have effect or to correct the error.

(10) Where an entry in such a register is amended in pursuance of subparagraph (9), any copy or extract of the entry is not to be treated as accurate unless it shows the entry as amended but without indicating that it has been amended.

(11) In this paragraph—

“overseas register of births” has the same meaning as in paragraph 3;

“prescribed” means prescribed by rules of court.

#### Commencement Information

**I4** Sch. 1 para. 4 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Marking of entries on re-registration of birth on legitimation*

**5.—(1)** Without prejudice to paragraph 2(4) and paragraph 4(5), where, after an entry in the registers of live-births or other records has been marked in accordance with paragraph 1 or 2, the birth is re-registered under Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976 (re-registration of births of legitimated persons), the entry made on the re-registration must be marked in the like manner.

(2) Without prejudice to paragraph 4(9), where an entry in the register of live-births or other records is marked in pursuance of paragraph 3 and the birth in question is subsequently re-registered under Article 19 of that Order, the entry made on re-registration must be marked in the like manner.

#### Commencement Information

**I5** Sch. 1 para. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Cancellations in registers on legitimation*

**6.—(1)** This paragraph applies where an adoption order is revoked under section 54(1).

(2) The prescribed officer of the court must communicate the revocation in the prescribed manner to the Registrar General who must then cancel or secure the cancellation of—

- (a) the entry in the Adopted Children Register relating to the adopted person;
- and

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(b) the marking with the word “Adopted” of any entry relating to the adopted person in the registers of live-births or other records.

(3) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under this paragraph, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

(4) In this paragraph “prescribed” means prescribed by rules of court.

#### Commencement Information

**I6** Sch. 1 para. 6 not in operation at Royal Assent, see [s. 160\(1\)](#)

## SCHEDULE 2

Section 78(6)

### Disclosure of birth records by Registrar General

1.—(1) On an application made in the prescribed manner by an adopted person—

- (a) a record of whose birth is kept by the Registrar General; and
- (b) who has attained the age of 18 years,

the Registrar General must give the applicant any information necessary to enable the applicant to obtain a certified copy of the record of the applicant’s birth.

(2) In sub-paragraph (1) “prescribed” means prescribed by regulations made by the Department of Finance.

#### Commencement Information

**I7** Sch. 2 para. 1 not in operation at Royal Assent, see [s. 160\(1\)](#)

2.—(1) Before giving any information to an applicant under paragraph 1, the Registrar General must inform the applicant that counselling services are available to the applicant—

- (a) from an appropriate voluntary organisation, or a registered adoption society within the meaning of section 2(2) of the Adoption and Children Act 2002 or an organisation within section 144(3)(b) of that Act;
- (b) if the applicant is in Northern Ireland, from any HSC trust;
- (c) if the applicant is in England and Wales, at the General Register Office or from any local authority or registered adoption support agency;
- (d) if the applicant is in Scotland, from any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

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(2) In sub-paragraph (1)(c), “local authority” and “registered adoption support agency” have the same meaning as in the Adoption and Children Act 2002.

(3) If the applicant chooses to receive counselling from a person or body within sub-paragraph (1), the Registrar General must send to the person or body the information to which the applicant is entitled under paragraph 1.

#### Commencement Information

**18** Sch. 2 para. 2 not in operation at Royal Assent, see [s. 160\(1\)](#)

**3.** Where an adopted person who is in Northern Ireland—

- (a) applies for information under paragraph 1;
- (b) applies for information under paragraph 1 of Schedule 2 to the Adoption and Children Act 2002; or
- (c) is supplied with information under section 55(4)(b) of the Adoption and Children (Scotland) Act 2007,

any adoption agency must, if asked by the applicant to do so, provide counselling for the applicant.

#### Commencement Information

**19** Sch. 2 para. 3 not in operation at Royal Assent, see [s. 160\(1\)](#)

## SCHEDULE 3

### Minor and consequential amendments

## PART 1

### Amendments of primary legislation

#### *The Legitimacy Act (Northern Ireland) 1928*

**1.** In section 8A (legitimation of adopted child)—

- (a) in subsection (1) after “1987” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022;
- (b) in subsection (2)—
  - (i) in paragraph (a) after “40” insert “or subsection (3)(b) of section 66”;

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(ii) in paragraph (b) after “42” insert “or section 66, 67 or 68 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I10** Sch. 3 para. 1 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Births and Deaths Registration (Northern Ireland) Order 1976*

2. In Article 37 (registration or alteration of child’s name), in paragraph (1)—
- (a) for “Article 52(1)(a) of the Adoption (Northern Ireland) Order 1987” substitute “paragraph 4 of Schedule 1 to the Adoption and Children Act (Northern Ireland) 2022”;
- (b) for “Article 50 of that Order” substitute “section 76 of that Act”.

**Commencement Information**

**I11** Sch. 3 para. 2 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Child Abduction and Custody Act 1985*

3. In Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders), in paragraph 8—
- (a) after head (b) insert—
- “(ba) a special guardianship order (as defined by Article 14A of that Order);”;
- (b) in head (c) omit sub-head (v).

**Commencement Information**

**I12** Sch. 3 para. 3 not in operation at Royal Assent, see [s. 160\(1\)](#)

*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—



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- “(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”,”.

#### **Commencement Information**

**I13** Sch. 3 para. 4 not in operation at Royal Assent, see [s. 160\(1\)](#)

**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—

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- (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”.

#### Commencement Information

**I14** Sch. 3 para. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Mental Health (Northern Ireland) Order 1986*

**6.** In Article 34 (minors under guardianship, etc.), in paragraph (3) after ““guardian”” insert “includes a special guardian (within the meaning of the Children (Northern Ireland) Order 1995), but”.

#### Commencement Information

**I15** Sch. 3 para. 6 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Family Law Act 1986*

**7.** In section 1 (orders to which Part 1 applies), in subsection (1) after paragraph (c) insert—

- “(ca) a special guardianship order made by a court in Northern Ireland under the Children (Northern Ireland) Order 1995;

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- (cb) an order made under section 23 of the Adoption and Children Act (Northern Ireland) 2022 (contact), other than an order varying or revoking such an order;
- (cc) an order made under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact), other than an order varying or revoking such an order;”.

#### Commencement Information

**I16** Sch. 3 para. 7 not in operation at Royal Assent, see [s. 160\(1\)](#)

**8.** In section 19 (jurisdiction: general), after subsection (1) insert—

“(1A) A court in Northern Ireland shall not have jurisdiction to make a special guardianship order under the Children (Northern Ireland) Order 1995 unless the condition in section 20 of this Act is satisfied.

(1B) A court in Northern Ireland shall not have jurisdiction to make an order under section 23 of the Adoption and Children Act (Northern Ireland) 2022 unless the condition in section 20 of this Act is satisfied.

(1C) A court in Northern Ireland shall not have jurisdiction to make an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 unless—

- (a) it has jurisdiction under the Council Regulation or the Hague Convention, or
- (b) neither the Council Regulation nor the Hague Convention applies but the condition in section 20 of this Act is satisfied.”.

#### Commencement Information

**I17** Sch. 3 para. 8 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Adoption (Northern Ireland) Order 1987*

**9.** In Article 39 (meaning of “adoption” in Part 5), in paragraph (2) after “this Part” insert “but does not include an adoption of a kind mentioned in subparagraphs (c) to (d) of paragraph (1) effected on or after the day on which Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022 comes into operation”.

#### Commencement Information

**I18** Sch. 3 para. 9 not in operation at Royal Assent, see [s. 160\(1\)](#)

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*The Matrimonial and Family Proceedings (Northern Ireland) Order 1989*

**10.** In Article 33 (declarations as to adoptions effected overseas)—

- (a) in paragraph (1)(a), for “Article 2(2) of the Adoption (Northern Ireland) Order 1987” substitute “section 159(1) of the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in paragraph (2)(a), for “Article 40 of the Adoption (Northern Ireland) Order 1987” substitute “section 66 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I19** Sch. 3 para. 10 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Armed Forces Act 1991*

**11.** In section 17(4) (persons to be given notice of application for service family child assessment order), after paragraph (db) insert—

- “(dc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

**Commencement Information**

**I20** Sch. 3 para. 11 not in operation at Royal Assent, see [s. 160\(1\)](#)

**12.** In section 18(7) (persons who may apply to vary or discharge a service family child assessment order), after paragraph (db) insert—

- “(dc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

**Commencement Information**

**I21** Sch. 3 para. 12 not in operation at Royal Assent, see [s. 160\(1\)](#)

**13.** In section 20(8) (persons who are to be allowed reasonable contact with a child subject to a protection order), after paragraph (cb) insert—

- “(cc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

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#### Commencement Information

**I22** Sch. 3 para. 13 not in operation at Royal Assent, see [s. 160\(1\)](#)

**14.** In section 22A(7) (persons who are to be allowed reasonable contact with a child in service police protection), after paragraph (cb) insert—

“(cc) any person in whose favour an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact) is in force with respect to the child;”.

#### Commencement Information

**I23** Sch. 3 para. 14 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Health and Personal Social Services (Northern Ireland) Order 1991*

**15.** In Article 10A (definition of “social care and children functions”), in paragraph (1)(e), for “Adoption (Northern Ireland) Order 1987” substitute “Adoption and Children Act (Northern Ireland) 2022”.

#### Commencement Information

**I24** Sch. 3 para. 15 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Child Support (Northern Ireland) Order 1991*

**16.** In Article 4 (meaning of certain other terms used in the Order), in paragraph (4) after sub-paragraph (b) insert—

“(ba) special guardians (within the meaning of Article 14A of the Children (Northern Ireland) Order 1995);”.

#### Commencement Information

**I25** Sch. 3 para. 16 not in operation at Royal Assent, see [s. 160\(1\)](#)

**17.** In Article 27 (disputes about parentage), in paragraph (3) after “1987” insert “or Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

#### Commencement Information

**I26** Sch. 3 para. 17 not in operation at Royal Assent, see [s. 160\(1\)](#)

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*The Social Security Contributions and Benefits (Northern Ireland) Act 1992*

**18.—(1)** Section 167ZBA (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In subsection (1)—

- (a) omit “who is looked after by an authority and”;
- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”
- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit subsection (2).

(4) In subsection (3)—

- (a) for “as if the following references or definitions were such references or definitions as may be prescribed” substitute “with the following modifications”;
- (b) in paragraph (a) at the end add “are to be treated as references to the child being placed under Article 27 in that manner”;
- (c) in paragraph (b) at the end add “is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under Article 27”;
- (d) in paragraph (c) at the end add “is to be treated as a reference to placement under Article 27”;
- (e) in paragraph (d) at the end add “is to be treated as if it were a definition of “prospective adopter””.

(5) In subsection (4), for “as mentioned in those subsections” substitute “under Article 27 of the Children (Northern Ireland) Order 1995”.

(6) In subsection (5)—

- (a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—
  - ““approved as an authority foster parent” and “approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(7) Omit subsection (6).

*Status: Point in time view as at 01/04/2024.*

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#### Commencement Information

**I27** Sch. 3 para. 18 not in operation at Royal Assent, see [s. 160\(1\)](#)

**19.** In section 167ZL (statutory adoption pay: entitlement), in subsection (4A) for “the Adoption (Northern Ireland) Order 1987 (see Article 2(6) to (8) of that Order)” substitute “the Adoption and Children Act (Northern Ireland) 2022 (see section 159(3) of that Act)”.

#### Commencement Information

**I28** Sch. 3 para. 19 not in operation at Royal Assent, see [s. 160\(1\)](#)

**20.—(1)** Section 167ZLA (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In subsection (1)—

- (a) omit “who is looked after by an authority and”;
- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”
- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit subsection (2).

(4) In subsection (3)—

- (a) for “as if the following references or definitions were such references or definitions as may be prescribed” substitute “with the following modifications”;
- (b) in paragraph (a) at the end add “is to be treated as a reference to the child being placed under Article 27 in that manner”;
- (c) in paragraph (b) at the end add “is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under Article 27”;
- (d) in paragraph (c) at the end add “is to be treated as a reference to placement, or expected placement, under Article 27”.

(5) In subsection (4) for “as mentioned in subsection (1)” substitute “under Article 27 of the Children (Northern Ireland) Order 1995”.

(6) In subsection (5)—

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- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
- (b) omit “and “child who is looked after by an authority””.

#### Commencement Information

**I29** Sch. 3 para. 20 not in operation at Royal Assent, see [s. 160\(1\)](#)

**21.**—(1) Section 167ZY (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

- (a) omit “who is looked after by an authority and”;
- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”
- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit subsection (2).

(4) In subsection (3) for the words from “as if” to the end substitute “, with the following modifications—

- (a) the references to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter;
- (b) the references to a placement for adoption are to be treated as references to placement under Article 27 of the Children (Northern Ireland) Order 1995 with such a person.

(5) In subsection (4)—

- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
- (b) omit “and “child who is looked after by an authority””.

#### Commencement Information

**I30** Sch. 3 para. 21 not in operation at Royal Assent, see [s. 160\(1\)](#)



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*The Children (Northern Ireland) Order 1995*

22. In Article 2 (interpretation), in paragraph (2)—

(a) omit the definition of “Adoption Order”;

(b) insert the following at the appropriate places—

““adoption order” means an adoption order within the meaning of section 43(1) of the Adoption and Children Act (Northern Ireland) 2022”;

““Article 50A plan” has the meaning given by Article 50A(6);”;

““special guardian” and “special guardianship order” have the meanings given by Article 14A;”;

(c) omit the definition of “protected child”.

**Commencement Information**

I31 Sch. 3 para. 22 not in operation at Royal Assent, see [s. 160\(1\)](#)

23. In Article 7 (acquisition of parental responsibility), in paragraph (1B)—

(a) in sub-paragraph (a) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;

(b) in sub-paragraph (b) for “Article 57 of the Adoption Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

I32 Sch. 3 para. 23 not in operation at Royal Assent, see [s. 160\(1\)](#)

24. In Article 8 (residence, contact and other orders with respect to children), in paragraph (4), for sub-paragraph (e) substitute—

“(e) the Adoption and Children Act (Northern Ireland) 2022;”.

**Commencement Information**

I33 Sch. 3 para. 24 not in operation at Royal Assent, see [s. 160\(1\)](#)

25. In Article 9 (restrictions on making Article 8 orders), in paragraph (5)(a) after “order” insert “or an order under section 49 of the Adoption and Children Act (Northern Ireland) 2022 (post-adoption contact)”.

**Commencement Information**

I34 Sch. 3 para. 25 not in operation at Royal Assent, see [s. 160\(1\)](#)

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**26.** In Article 10 (power of court to make Article 8 orders)—

(a) in paragraph (4)(a), for “or guardian” substitute “, guardian or special guardian”;

(b) after paragraph (5) insert—

“(5A) An authority foster parent is entitled to apply for a residence order with respect to a child if the child has lived with the authority foster parent for a period of at least one year immediately preceding the application.”;

(c) after paragraph (7) insert—

“(7A) If a special guardianship order is in force with respect to a child, an application for a residence order may only be made with respect to the child, if apart from this paragraph the leave of the court is not required, with such leave.”.

**Commencement Information**

**I35** Sch. 3 para. 26 not in operation at Royal Assent, see [s. 160\(1\)](#)

**27.** In Article 12 (residence orders and parental responsibility), in paragraph (3)

(a) in sub-paragraph (a) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;

(b) in sub-paragraph (b), for “Article 57 of the Adoption Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I36** Sch. 3 para. 27 not in operation at Royal Assent, see [s. 160\(1\)](#)

**28.** In Article 16 (family assistance orders), in paragraph (2)(a) for “or guardian” substitute “, guardian or special guardian”.

**Commencement Information**

**I37** Sch. 3 para. 28 not in operation at Royal Assent, see [s. 160\(1\)](#)

**29.** In Article 22 (powers of person with parental responsibility), in paragraph (3) omit the “or” at the end of sub-paragraph (a) and after that sub-paragraph insert—

“(aa) who is a special guardian of the child; or”.

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#### Commencement Information

**I38** Sch. 3 para. 29 not in operation at Royal Assent, see [s. 160\(1\)](#)

**30.** In Article 28 (regulations under Article 27), in paragraph (1) omit sub-paragraph (d).

#### Commencement Information

**I39** Sch. 3 para. 30 not in operation at Royal Assent, see [s. 160\(1\)](#)

**31.** In Article 33 (arrangements to assist children to live abroad)—

- (a) in paragraph (4) after “guardian,” insert “special guardian,”;
- (b) in paragraph (6) for the words from the beginning to “adoption)” substitute “Section 84 of the Adoption and Children Act (Northern Ireland) 2022 (restrictions on taking children out)”;
- (c) at the end add—

“(9) This Article does not apply to an authority placing a child for adoption with prospective adopters.”.

#### Commencement Information

**I40** Sch. 3 para. 31 not in operation at Royal Assent, see [s. 160\(1\)](#)

**32.** In Article 34E (personal advisers)—

- (a) in paragraph (1)—
  - (i) for “21” substitute “25 (or such other age as may be prescribed)”;
  - (ii) in sub-paragraph (b) omit “or”;
  - (iii) after sub-paragraph (c) insert “; or
  - (d) persons to whom Article 34DC applies.”;

(b) after paragraph (2) insert—

“(3) Where an authority ceases to be under a duty to provide a personal adviser for a person under any provision of this Part, that does not affect any other duties under this Part to provide a personal adviser for the person.

(4) Where an authority has more than one duty under this Part to provide a personal adviser for a person, each duty is discharged by the provision of the same personal adviser (the authority is not required to provide more than one personal adviser for the person).”.

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#### Commencement Information

**I41** Sch. 3 para. 32 not in operation at Royal Assent, see [s. 160\(1\)](#)

### 33. In Article 34F (pathway plans)—

#### (a) in paragraph (1)—

##### (i) after sub-paragraph (a) (but before the “and” at the end) insert—

“(aa) in the case of a plan prepared under Article 34DB, the advice and support that the authority intend to provide;”;

##### (ii) in sub-paragraph (b) after “Article 34C” insert “or Article 34DC”;

#### (b) after paragraph (1) insert—

“(1A) An authority may carry out an assessment under Article 34DB(5) of a person’s needs at the same time as any assessment of the person’s needs is made under Article 34DC(3).

(1B) The Department may by regulations make provision as to assessments for the purposes of Article 34C(3), 34DB(5) or 34DC.

(1C) Regulations under paragraph (1B) may in particular make provision about—

- (a) who is to be consulted in relation to an assessment;
- (b) the way in which an assessment is to be carried out, by whom and when;
- (c) the recording of the results of an assessment;
- (d) the considerations to which an authority is to have regard in carrying out an assessment.

(1D) An authority must keep each pathway plan prepared by them under Article 34C, 34DB or 34DC under review.”.

#### Commencement Information

**I42** Sch. 3 para. 33 not in operation at Royal Assent, see [s. 160\(1\)](#)

### 34. In Article 35 (persons qualifying for advice and assistance)—

#### (a) for paragraph (1) substitute—

“(1) In this Part “a person qualifying for advice and assistance” means a person to whom paragraph (1A) or (1B) applies.

##### (1A) This paragraph applies to a person—

- (a) who has reached the age of 16 but not the age of 21;

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(b) with respect to whom a special guardianship order is in force (or, if the person has reached the age of 18, was in force when the person reached that age); and

(c) who was, immediately before the making of that order, looked after by an authority.

(1B) This paragraph applies to a person to whom paragraph (1A) does not apply, and who—

(a) is under 21; and

(b) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered.”;

(b) in paragraph (2), for “paragraph (1)(b)” substitute “paragraph (1B)(b)”;

(c) in paragraph (5), before sub-paragraph (a) insert—

“(za) in the case of a person to whom paragraph (1A) applies, an authority determined in accordance with regulations made by the Department;”.

#### Commencement Information

**I43** Sch. 3 para. 34 not in operation at Royal Assent, see [s. 160\(1\)](#)

**35.** In Article 35A (advice and assistance for qualifying persons)—

(a) in paragraph (2)(b), after “a person” insert “to whom Article 35(1A) applies, or to whom Article 35(1B) applies and”;

(b) in paragraph (3)(a), after “if” insert “he is a person to whom Article 35(1A) applies, or he is a person to whom Article 35(1B) applies and”.

#### Commencement Information

**I44** Sch. 3 para. 35 not in operation at Royal Assent, see [s. 160\(1\)](#)

**36.** In Article 35B (assistance with employment, education and training)—

(a) in each of paragraphs (1) and (3)(b) after “of” insert “Article 35(1A) or”;

(b) in paragraph (3)(a) for “24” substitute “25 (or such other age as may be prescribed)”.

#### Commencement Information

**I45** Sch. 3 para. 36 not in operation at Royal Assent, see [s. 160\(1\)](#)

**37.** In Article 52 (effect of care order)—

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- (a) in paragraph (3)(b) for “or guardian” substitute “, guardian or special guardian”;
- (b) in paragraph (5) for “a parent or guardian of the child who has care of him” substitute “a person mentioned in that provision who has care of the child”;
- (c) in paragraph (6)(b)—
  - (i) in head (i) for “Article 17 of the Adoption Order” substitute “section 16 of the Adoption and Children Act (Northern Ireland) 2022”;
  - (ii) in head (ii) for “Article 57 of that Order” substitute “section 83 of the Adoption and Children Act (Northern Ireland) 2022”;
- (d) in paragraph (9) for “a parent or guardian of the child” substitute “a person mentioned in that provision”.

#### Commencement Information

**I46** Sch. 3 para. 37 not in operation at Royal Assent, see [s. 160\(1\)](#)

**38.** In Article 53 (parental contact etc with children in care)—

- (a) in paragraph (1)(b) after “guardian” insert “or special guardian”; and
- (b) after paragraph (1)(b) insert—
  - “(ba) any person who by virtue of Article 7(1A) has parental responsibility for the child;”.

#### Commencement Information

**I47** Sch. 3 para. 38 not in operation at Royal Assent, see [s. 160\(1\)](#)

**39.** In Article 153 (child care training), in paragraph (3) for “Adoption Order” substitute “Adoption and Children Act (Northern Ireland) 2022”.

#### Commencement Information

**I48** Sch. 3 para. 39 not in operation at Royal Assent, see [s. 160\(1\)](#)

**40.** In Article 155 (parents not being married to, or civil partners of, each other to have no effect in law on relationships), in paragraph (3) for sub-paragraph (c) substitute—

- “(c) is an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022; or”.

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#### Commencement Information

**I49** Sch. 3 para. 40 not in operation at Royal Assent, see [s. 160\(1\)](#)

**41.** In Article 178 (power of constable to assist in exercise of certain powers to search for children or inspect premises), in paragraph (6) omit sub-paragraph (c).

#### Commencement Information

**I50** Sch. 3 para. 41 not in operation at Royal Assent, see [s. 160\(1\)](#)

**42.** In Article 179 (effect and duration of orders, etc.), after paragraph (5) insert—

“(5A) The making of a special guardianship order with respect to a child who is the subject of—

- (a) a care order; or
- (b) an order under Article 53,

discharges that order.”.

#### Commencement Information

**I51** Sch. 3 para. 42 not in operation at Royal Assent, see [s. 160\(1\)](#)

**43.** In Schedule 1 (financial provision for children)—

- (a) in paragraph 2 (orders for financial relief against parents)—
  - (i) in sub-paragraph (1), for “or guardian” substitute “, guardian or special guardian”; and
  - (ii) in sub-paragraph (6), after “order” insert “or a special guardianship order”;
- (b) in paragraph 7 (variation etc. of orders for periodical payments), in sub-paragraph (8), after “guardian” insert “or special guardian”;
- (c) in paragraph 10 (financial relief under other statutory provisions), in sub-paragraph (1) and in sub-paragraph (2)(b), after “residence order” insert “or a special guardianship order”.

#### Commencement Information

**I52** Sch. 3 para. 43 not in operation at Royal Assent, see [s. 160\(1\)](#)

**44.** In Schedule 6 (property rights etc.), in paragraph 2 (dispositions of property), in sub-paragraph (5) at the end insert “or section 68 of the Adoption

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and Children Act (Northern Ireland) 2022 (rules of interpretation for instruments concerning property).”.

**Commencement Information**

**I53** Sch. 3 para. 44 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Children (Scotland) Act 1995*

**45.** In section 26 (manner of provision of accommodation to child looked after by local authority), in subsection (2)(b)(ii) for “Article 27(2)(b) to (e)” substitute “Article 27(2)(aa)”.

**Commencement Information**

**I54** Sch. 3 para. 45 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Employment Rights (Northern Ireland) Order 1996*

**46.** In Article 85ZJ (right to paid time off to attend adoption appointments) in paragraph (13) for “for the purposes of the Adoption (Northern Ireland) Order 1987 (see Articles 2(2) and 3(3) of the Order)” substitute “within the meaning of section 2(2) of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I55** Sch. 3 para. 46 not in operation at Royal Assent, see [s. 160\(1\)](#)

**47.—(1)** Article 85ZS (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

- (a) for the words “an approved foster parent and an approved prospective adopter” substitute “approved as an authority foster parent and approved as a prospective adopter”;
- (b) omit “who is looked after by it”;
- (c) omit “, in the circumstances mentioned in paragraph (2),”;
- (d) for “Article 27(2)(a)” substitute “Article 27”.

(3) Omit paragraph (2).

(4) In paragraph (3), for the words from “references” in the first place it occurs to the end substitute “—



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- (a) references to adoption or placement for adoption were references to placement of a child under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;
- (b) references to placing for adoption were references to placing a child under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;
- (c) references to an adoption agency were references to an authority.”.

(5) In paragraph (4), for “as referred to in paragraphs (1) and (2)” substitute “under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(6) In paragraph (5)—

- (a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

““approved as an authority foster parent” and approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

- (b) omit the definition of “child who is looked after by an authority”.

(7) Omit paragraph (6).

#### **Commencement Information**

**I56** Sch. 3 para. 47 not in operation at Royal Assent, see [s. 160\(1\)](#)

**48.**—(1) Article 107AB (ordinary adoption leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a) for “an approved foster parent” substitute “approved as an authority foster parent”;
- (b) in sub-paragraph (b) for “an approved prospective adopter” substitute “approved as a prospective adopter”;
- (c) in sub-paragraph (c)—
  - (i) omit “who is looked after by it”;
  - (ii) for “Article 27(2)(a)” substitute “Article 27”;
  - (iii) omit “, in the circumstances mentioned in paragraph (2)”.

(3) Omit paragraph (2).

(4) In paragraph (3)—

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(a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

““approved as an authority foster parent” and “approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(5) Omit paragraph (4).

#### Commencement Information

**I57** Sch. 3 para. 48 not in operation at Royal Assent, see [s. 160\(1\)](#)

**49.**—(1) Article 107H (entitlement to shared parental leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) omit “who is looked after by an authority and”;

(b) for “the authority” substitute “an authority”;

(c) for “Article 27(2)(a)” substitute “Article 27”;

(d) omit “, in the circumstances mentioned in paragraph (2),”;

(e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

(a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;

(b) omit “and “child who is looked after by an authority””.

#### Commencement Information

**I58** Sch. 3 para. 49 not in operation at Royal Assent, see [s. 160\(1\)](#)

**50.**—(1) Article 112BA (entitlement to paternity leave: prospective adopters with whom looked after children are placed) is amended as follows.

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(2) In paragraph (1)—

- (a) omit “who is looked after by an authority and”;
- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”;
- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
- (b) omit “and “child who is looked after by an authority””.

#### Commencement Information

**I59** Sch. 3 para. 50 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Police Act 1997*

**51.** In section 113A (criminal record certificates), in subsection (6D)(aa) after “1987” insert “or an offence under section 27, 28, 29, 30, 31, 32, 33, 82, 84, 89, 97 or 99 of the Adoption and Children Act (Northern Ireland) 2022”.

#### Commencement Information

**I60** Sch. 3 para. 51 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Family Homes and Domestic Violence (Northern Ireland) Order 1998*

**52.** In Article 2 (interpretation)—

- (a) in paragraph (2) for the definition of “adoption order” substitute—
  - ““adoption order” means an adoption order within the meaning of Article 2(2) of the Adoption (Northern Ireland) Order 1987 or

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section 43(1) of the Adoption and Children Act (Northern Ireland) 2022.”;

(b) in paragraph (3), after sub-paragraph (i) insert—

“(j) the Adoption and Children Act (Northern Ireland) 2022.”.

#### **Commencement Information**

**I61** Sch. 3 para. 52 not in operation at Royal Assent, see [s. 160\(1\)](#)

**53.** In Article 3 (meaning of “cohabitees” etc.)—

(a) in paragraph (2), in sub-paragraph (b) after “Adoption (Northern Ireland) Order 1987” insert “, the Adoption and Children Act (Northern Ireland) 2022”;

(b) in paragraph (5), for the words from “has been freed” to “Order 1987” substitute “falls within paragraph (7)”;

(c) after paragraph (6) insert—

“(7) A child falls within this paragraph if—

(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act (Northern Ireland) 2022, is authorised to place the child for adoption under section 16 of that Act (placing children with parental consent) or an order under section 18 of that Act (placement orders);

(b) an adoption agency, within the meaning of section 2(1) of the Adoption and Children Act 2002, is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or an order under section 21 of that Act (placement orders);

(c) the child is freed for adoption by an order made under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987; or

(d) the child is the subject of a Scottish permanence order which includes provision granting authority to adopt.

(8) In paragraph (7), “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009).”.

*Status: Point in time view as at 01/04/2024.*

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 08 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)*

**Commencement Information**

**I62** Sch. 3 para. 53 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Justice (Northern Ireland) Act 2002*

**54.** In Schedule 1 (listed judicial offices) omit each of the entries relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.

**Commencement Information**

**I63** Sch. 3 para. 54 not in operation at Royal Assent, see [s. 160\(1\)](#)

**55.** In Schedule 6 (office-holders required to take judicial oath) omit the entry relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.

**Commencement Information**

**I64** Sch. 3 para. 55 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Adoption and Children Act 2002*

**56.** In section 63 (counselling), in subsection (4)(b) for the words from “or an” to the end of the paragraph substitute “or an appropriate voluntary organisation within the meaning of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I65** Sch. 3 para. 56 not in operation at Royal Assent, see [s. 160\(1\)](#)

**57.** In section 65 (sections 56 to 65: interpretation), in subsection (2)(b) for the words from “or an” to “(N.I.22)” substitute “or an appropriate voluntary organisation within the meaning of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I66** Sch. 3 para. 57 not in operation at Royal Assent, see [s. 160\(1\)](#)

**58.** In section 123 (restriction on advertisements etc.), in subsection (3)(a) for “Article 11 or 58 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I.1987/2203\)](#)

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(N.I22)” substitute “section 84 or 96 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I67** Sch. 3 para. 58 not in operation at Royal Assent, see [s. 160\(1\)](#)

- 59.** In section 144 (general interpretation etc.), in subsection (1)—
- (a) in the definition of “Northern Irish adoption agency” for “Article 3 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “section 2 of the Adoption and Children Act (Northern Ireland) 2022”;
  - (b) in the definition of “Northern Irish adoption order” after “Order 1987” insert “or an adoption order within the meaning of section 43(1) of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I68** Sch. 3 para. 59 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Marriage (Northern Ireland) Order 2003*

- 60.**—(1) Article 22 (relevant consents required) is amended as follows.
- (2) For paragraph (2), substitute—
- “(2) The relevant consents are—
- (a) if none of sub-paragraphs (b) to (h) apply, the consent of—
    - (i) any parent of the young person who has parental responsibility for the young person; and
    - (ii) any guardian of the young person;
  - (b) where a special guardianship order is in force with respect to the young person, the consent of each of the young person’s special guardians, unless any of sub-paragraphs (c) to (g) applies;
  - (c) where a care order is in force with respect to the young person, the consent of the Health and Social Care trust designated in the order, and each parent, guardian or special guardian (in so far as their parental responsibility has not been restricted under Article 52(3) of the Children (Northern Ireland) Order 1995), unless sub-paragraph (e) applies;
  - (d) where a residence order is in force with respect to the young person, the consent of the persons with whom the young person

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lives, or is to live, as a result of the order, unless sub-paragraph (e) applies;

- (e) where an adoption agency is authorised to place the young person for adoption under section 16 of the Adoption and Children Act (Northern Ireland) 2022, the consent of that agency or, where a care order is in force with respect to the young person, the consent of the Health and Social Care trust designated in the order;
- (f) where a placement order is in force with respect to the young person, the consent of the appropriate adoption authority;
- (g) where a young person has been placed for adoption with prospective adopters, the consent of the prospective adopters (in so far as their parental responsibility has not been restricted under section 22(4) of the Adoption and Children Act (Northern Ireland) 2022), in addition to those persons specified in sub-paragraph (e) or (f);
- (h) where none of sub-paragraphs (b) to (g) apply but a residence order was in force with respect to the young person immediately before the young person reached the age of sixteen, the persons with whom the young person lived, or was to live, as a result of the order.”.

(3) For paragraph (4) substitute—

“(4) In paragraph (2)—

“care order”, “Health and Social Care trust”, “parental responsibility”, “residence order”, “special guardian” and “special guardianship order” have the same meaning as in the Children (Northern Ireland) Order 1995 and in sub-paragraph (a)(ii) of that paragraph the reference to any guardian of the young person is a reference to any person falling within the definition of “guardian of a child” in Article 2(2) of that Order;

“adoption agency”, “adoption authority”, “placement order” and “placed for adoption” have the same meaning as in the Adoption and Children Act (Northern Ireland) 2022;

“appropriate adoption authority” means the adoption authority authorised by the placement order to place the young person for adoption.”.

#### **Commencement Information**

**I69** Sch. 3 para. 60 not in operation at Royal Assent, see [s. 160\(1\)](#)

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*The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003*

- 61.** In Article 2 (interpretation), in paragraph (2)—
- (a) in the definition of “voluntary adoption agency” for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”;
  - (b) in the definition of “voluntary organisation” for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I70** Sch. 3 para. 61 not in operation at Royal Assent, see [s. 160\(1\)](#)

- 62.** In Article 15 (cancellation of registration), in paragraph (2) for subparagraph (e) substitute —

- “(e) an offence under regulations under section 1(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001;
- (f) an offence under the Adoption and Children Act (Northern Ireland) 2022 or regulations made under it.”.

**Commencement Information**

**I71** Sch. 3 para. 62 not in operation at Royal Assent, see [s. 160\(1\)](#)

- 63.** In Article 36 (provision of information), in paragraph (2)(a) for “the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I72** Sch. 3 para. 63 not in operation at Royal Assent, see [s. 160\(1\)](#)

- 64.** In Article 38 (statements of minimum standards), in paragraph (4)(d) at the end insert “or proceedings against a voluntary adoption agency for an offence under Article 10(2) of the Adoption (Northern Ireland) Order 1987 or section 9 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I73** Sch. 3 para. 64 not in operation at Royal Assent, see [s. 160\(1\)](#)



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**65.** In Article 40 (information, entry and inspection), in paragraph (3)(b) for “Article 10 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “section 9 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I74** Sch. 3 para. 65 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Access to Justice (Northern Ireland) Order 2003*

**66.** In Article 39 (conditional fee agreements: supplementary), in paragraph (2) (c) for “the Adoption (Northern Ireland) Order 1987” substitute “the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I75** Sch. 3 para. 66 not in operation at Royal Assent, see [s. 160\(1\)](#)

**67.** In Schedule 2 (civil legal services: excluded services), in paragraph 6, at the end insert “or the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**I76** Sch. 3 para. 67 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Commissioner for Children and Young People (Northern Ireland) Order 2003*

**68.** In Article 3 (interpretation: child or young person), in paragraph (2)(a) after “34D,” insert “34DB, 34DC,”.

**Commencement Information**

**I77** Sch. 3 para. 68 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Children and Adoption Act 2006*

**69.** Omit sections 9 to 12 (special restrictions on adoptions from abroad etc.).

**Commencement Information**

**I78** Sch. 3 para. 69 not in operation at Royal Assent, see [s. 160\(1\)](#)

**70.** In section 17 (short title, commencement and extent)—

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- (a) omit subsection (5);
- (b) in subsection (8), omit paragraphs (a) and (b).

**Commencement Information**

**179** Sch. 3 para. 70 not in operation at Royal Assent, see [s. 160\(1\)](#)

*The Sexual Offences (Northern Ireland) Order 2008*

**71.** In Article 34 (family relationships), in paragraph (1)(b) after “adoption” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022 (status conferred by adoption)”.

**Commencement Information**

**180** Sch. 3 para. 71 not in operation at Royal Assent, see [s. 160\(1\)](#)

**72.** In Article 36 (Articles 32 and 33: sexual relationships which pre-date family relationships), in paragraph (1)(b) after “(NI 22)” insert “or section 66 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**181** Sch. 3 para. 72 not in operation at Royal Assent, see [s. 160\(1\)](#)

**73.** In Article 68 (sex with an adult relative: penetration), in paragraph (3)(b) for “an adopted child within the meaning of Part 5 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**182** Sch. 3 para. 73 not in operation at Royal Assent, see [s. 160\(1\)](#)

**74.** In Article 69 (sex with an adult relative: consenting to penetration), in paragraph (3)(b) for “an adopted child within the meaning of Part 5 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#)” substitute “adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act (Northern Ireland) 2022”.

**Commencement Information**

**183** Sch. 3 para. 74 not in operation at Royal Assent, see [s. 160\(1\)](#)

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### *The Human Fertilisation and Embryology Act 2008*

75. In section 55 (parental orders: supplementary provision), in subsection (3)

- (a) at the end of paragraph (c) omit the word “and”;
- (b) at the end of paragraph (d) insert “, and
- (e) the Adoption and Children Act (Northern Ireland) 2022.”.

#### **Commencement Information**

**I84** Sch. 3 para. 75 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *The Children’s Services Co-operation Act (Northern Ireland) 2015*

76. In section 9 (interpretation), in subsection (2)(a) after “34D,” insert “34DB, 34DC,”.

#### **Commencement Information**

**I85** Sch. 3 para. 76 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *The Mental Capacity Act (Northern Ireland) 2016*

77. In section 285 (family relationships etc.)—

- (a) in subsection (1), in paragraph (e) for “the Adoption (Northern Ireland) Order 1987” substitute “the Adoption and Children Act (Northern Ireland) 2022”;
- (b) in subsection (2), for paragraphs (a) and (b) substitute—
  - “(a) an order under section 43(1) or 83 of the Adoption and Children Act (Northern Ireland) 2022”;
  - (b) an order under section 46(1) or 84 of the Adoption and Children Act 2002; or
  - (c) an order under section 28(1) or 59 of the Adoption and Children (Scotland) Act 2007.”.

#### **Commencement Information**

**I86** Sch. 3 para. 77 not in operation at Royal Assent, see [s. 160\(1\)](#)

*Status: Point in time view as at 01/04/2024.*

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### *The Data Protection Act 2018*

**78.**—(1) Paragraph 8(1) of Schedule 3 (exemptions etc from GDPR: social work) is amended as follows.

(2) In head (q), in sub-head (ii)—

- (a) for “guardian ad litem” substitute “children’s court guardian”;
- (b) for “Article 66 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “section 106 of the Adoption and Children Act (Northern Ireland) 2022”.

(3) After head (x) add—

- “(y) data processed for the purposes of the functions of the Department of Health in Northern Ireland pursuant to section 12 of the Adoption and Children Act (Northern Ireland) 2022 (independent review of qualifying determinations).”.

#### **Commencement Information**

**187** Sch. 3 para. 78 not in operation at Royal Assent, see [s. 160\(1\)](#)

**79.**—(1) Schedule 4 (exemptions etc. from the GDPR: disclosure prohibited or restricted by an enactment) is amended as follows.

(2) In paragraph 3(4), for head (a) substitute—

- “(a) sections 76 and 78 of the Adoption and Children Act (Northern Ireland) 2022;”.

(3) In paragraph 5(4), in head (a)—

- (a) for “Articles 50 and 54 of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203 \(N.I. 22\)\)](#)” substitute “sections 59, 76, 77 and 78 of the Adoption and Children Act (Northern Ireland) 2022”; and
- (b) for “regulation 3 of and Schedule 2 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010” substitute “regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018”.

#### **Commencement Information**

**188** Sch. 3 para. 79 not in operation at Royal Assent, see [s. 160\(1\)](#)

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### *The Health and Social Care Act (Northern Ireland) 2022*

**80.**—(1) Schedule 1 (transfer of the Regional Board’s functions) is amended as follows.

- (2) Omit paragraphs 102 to 120.
- (3) Omit paragraph 193(2)(b) and (3)(b).
- (4) Omit paragraph 195(2).

#### **Commencement Information**

**I89** Sch. 3 para. 80 not in operation at Royal Assent, see [s. 160\(1\)](#)

## PART 2

### Amendments of subordinate legislation

#### *The Human Fertilisation and Embryology (Parental Orders) Regulations 2018*

**81.** In regulation 1 (citation, commencement, extent and interpretation), in paragraph (4) for the definition of “the 1987 Order” substitute—

““the 2022 Act” means the Adoption and Children Act (Northern Ireland) 2022”

#### **Commencement Information**

**I90** Sch. 3 para. 81 not in operation at Royal Assent, see [s. 160\(1\)](#)

**82.**—(1) In regulation 4 (application of certain provisions of the 1987 Order subject to modifications), for “the 1987 Order” substitute “the 2022 Act”.

(2) In the heading of that regulation, for “the 1987 Order” substitute “the 2022 Act”.

(83) For Schedule 3 (application and modification of Adoption (Northern Ireland) Order 1987 in respect of parental orders and applications for such orders) substitute—

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### “SCHEDULE 3

#### Application and modification of the 2022 Act in respect of parental orders and applications for such orders

1. The provisions of the 2022 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

2.—(1) Section 1 (considerations applying to the exercise of powers) is modified as follows.

(2) The section has effect as if the words “or adoption agency” were omitted on each occasion they appear.

(3) Subsection (1) has effect as if for “the adoption of” there were substituted “the making of a parental order in relation to”.

(4) Subsection (4) has effect as if—

(a) the words “or agency” were omitted on each occasion they appear;

(b) in paragraph (c), for “an adopted person” there were substituted “the subject of a parental order”;

(c) in paragraph (g), the words from “including” to “regarding the child” were omitted.

(5) The section has effect as if subsection (5) were omitted.

(6) Subsection (6) has effect as if there were substituted—

“(6) The court must always consider the whole range of powers available to it in the child’s case (whether under section 54 or section 54A (as the case may be) of the 2008 Act, under this Act (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) or under the Children Order); and the court must not make an order under either of those sections or under this Act as so applied unless it considers that making the order would be better for the child than not doing so.”.

(7) Subsection (7) has effect as if—

(a) for “the adoption of” there were substituted “the making of a parental order in relation to”;

(b) in paragraph (a) for the words from “include” to “variation of such an order;” there were substituted “include a parental order (or the revocation of such an order);”;

(c) in paragraph (b)—

(i) the words “adoption agency or” were omitted; and

(ii) after “this Act” the words “as modified” were inserted.

3. Section 2(2) has effect without modification.

*Status: Point in time view as at 01/04/2024.*

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4. Section 3 has effect without modification.

5.—(1) Section 33(1), (6) and (7) (restrictions on removal) is modified as follows.

(2) Where an application for a parental order is made under section 54 of the 2008 Act (parental orders: two applicants), subsection (1) has effect as if—

(a) the words from “(“the people concerned”)” to “people concerned” were omitted;

(b) for paragraph (a) there were substituted—

“(a) who have applied for a parental order under section 54 of the 2008 Act in respect of the child and the application has not been disposed of;”;

(c) paragraphs (b) and (c) were omitted; and

(d) for the words from “group of sections” to the end there were substituted “section 1 and section 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(3) Where an application for a parental order is made under section 54A of the 2008 Act (parental orders: one applicant), subsection (1) has effect as if there were substituted—

“(1) At any time when a child’s home is with a person who has applied for a parental order under section 54A of the 2008 Act in respect of the child, and the application has not been disposed of, a person may remove the child only in accordance with the provisions of this section and section 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations).”.

(4) Subsection (6) has effect as if—

(a) paragraph (a) were omitted; and

(b) in paragraph (b), after “this section,” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(5) Subsection (7) has effect as if for “This group of sections applies” there were substituted “This section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations) apply”.

6. Section 34 (applications for adoption) has effect in respect of a parental order as if for “section 33(1)(a),” there were substituted “section 33(1) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

7.—(1) Section 38 (recovery orders) is modified as follows.

(2) Subsection (1) has effect as if—

*Status: Point in time view as at 01/04/2024.*

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- (a) for “any of the preceding provisions of this Chapter” there were substituted “section 33 and 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and
- (b) paragraph (b) were omitted.

(3) Subsection (2) has effect as if after “subsection (4)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (4) has effect as if—

- (a) after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and
- (b) paragraph (c) were omitted.

**8.—**(1) Section 43(1) to (4) (adoption orders) is modified as follows.

(2) Subsection (1) has effect as if there were substituted—

“(1) A parental order is an order transferring parental responsibility for a child to whom the order applies to the person or persons (as the case may be) who obtained the order.”.

(3) Subsection (2) has effect as if—

- (a) in the opening words, for “an adoption” there were substituted “a parental”;
- (b) in paragraph (a)—
  - (i) for “adopters or adopter” there were substituted “person or persons (as the case may be) who obtained the order”; and
  - (ii) for “adopted child” there were substituted “child who is the subject of the parental order”; and
- (c) in paragraph (d), the word “adopted” were omitted and for “adoption” there were substituted “parental”.

(4) Subsection (3) has effect as if—

- (a) in the opening words, for “an adoption” there were substituted “a parental”; and
- (b) paragraph (b) were omitted.

**9.—**(1) Section 45 (restrictions on making adoption orders) is modified as follows.

(2) Subsection (1) has effect as if—

- (a) for “an adoption order” there were substituted “a parental order”; and
- (b) after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.



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(3) Subsection (2) has effect as if for paragraphs (a) and (b) there were substituted “for a parental order”.

**10.**—(1) Section 59(1) and (4) (disclosing information to adopted child) is modified as follows.

(2) Subsection (1) has effect as if for “an adopted person” there were substituted “a person in relation to whom a parental order was made and”.

(3) Subsection (4) has effect as if—

- (a) the words “adopted” and “also” were omitted;
- (b) for “adoption order” and “adoption” there were substituted “parental order”; and
- (c) at the end there were inserted—

“, but the court must not provide a copy of any prescribed document or prescribed order to the person unless that person certifies that they have—

- (a) been informed about the availability of services providing counselling in relation to the implications of compliance with the request; and
- (b) been given a suitable opportunity to receive counselling.”.

**11.** Section 63(1) (other provisions to be made by regulations) has effect as if—

- (a) for “this group of sections” there were substituted “the provisions of this Part in relation to the provision of information”; and
- (b) paragraphs (a) and (c) were omitted.

**12.** Section 64 (sections 56 to 65: interpretation) has effect as if there were substituted—

**“64 Sections 55 to 64: interpretation**

**64.** In this group of sections “prescribed” means prescribed by rules of court.”.

**13.** Section 66 has effect as if there were substituted—

**“66 Status conferred by the grant of a parental order**

(1) A person to whom a parental order applies is to be treated in law as the child of the person or persons (as the case may be) who obtained that order, and, if more than one person, is to be treated as the child of the relationship of those persons.

(2) A person to whom a parental order applies is to be treated in law as not being the child of any person other than the person or persons (as the

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case may be) who obtained that order, but this subsection does not affect any reference in this Act to a person's natural parent or to any other natural relationship.

(3) Where a parental order is granted under section 54A of the 2008 Act to a person who is a natural parent of the person to whom the order applies, subsection (2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

(4) This section has effect from the date of the parental order.

(5) Subject to the provisions of this Chapter (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) this section—

- (a) applies for the interpretation of statutory provisions or instruments passed or made before as well as after the making of the parental order, and so applies subject to any contrary indication, and
- (b) has effect as respects things done, or events occurring, on or after the making of the parental order.”.

**14.** Section 67(3) (adoptive relatives) has effect as if it applies in the case of a parental order under section 54 of the 2008 Act and as if for the words from “adoptive mother” onwards there were substituted “mother and father of a child who is the subject of a parental order obtained by two persons of the same sex is to be read as a reference to the child's parents”.

**15.—(1)** Section 68 (rules of interpretation for instruments concerning property) is modified as follows.

- (2) Subsection (1) has effect as if the words “and to Schedule 4” were omitted.
- (3) Subsection (2) has effect as if—
  - (a) after “and (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
  - (b) for “adoptive parent or parents” there were substituted “person or persons who obtained the parental order”;
  - (c) in paragraph (a)—
    - (i) for “adopted person” there were substituted “person to whom the order applies”; and
    - (ii) for “adoption” there were substituted “the parental order”; and
  - (d) in paragraph (b), for “adopted” there were substituted “who are the subject of parental orders made”.

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(4) Subsection (3) has effect as if, in the note, after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(5) Subsection (4) has effect as if—

- (a) after “Section 66(3)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
- (b) for “adopted person” in both places where the words appear there were substituted “person who is the subject of a parental order”; and
- (c) for “adoption” there were substituted “parental order is made”.

(6) Subsection (5) has effect as if—

(a) in paragraph (a), for “adopt” there were substituted “apply for a parental order in respect of”; and

(b) in paragraph (b)—

- (i) after “section 66” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
- (ii) in the case of a parental order obtained under section 54 of the 2008 Act, for the words from “as her child” to “the instrument” there were substituted “for the purposes of the instrument as her child or as the child of the person with whom she obtained the order under section 54 of the 2008 Act”; and
- (iii) in the case of a parental order obtained under section 54A of the 2008 Act, the words following “as her child” up to and including “one of the couple” were omitted.

**16.—(1)** Section 70 (property devolving with peerages etc) is modified as follows.

(2) The section has effect as if for the words “an adoption” in each place they appear there were substituted “a parental order”.

(3) Subsection (3) has effect as if after “Subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**17.** Section 72 (meaning of disposition) has effect as if in subsections (1) and (3), after the words “this Chapter” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**18.—(1)** Section 73 (miscellaneous) is modified as follows.

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(2) The section has effect as if after the words “Section66” in both places they appear there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(3) Subsection (1) has effect as if after “not apply” there were inserted “so as to prevent a child to whom a parental order applies from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”.

**19.** Section 74 (pensions) has effect as if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.

**20.** Section 75(1) (insurance) has effect as if—

- (a) for “is adopted whose” there were substituted “is a child to whom a parental order applies and the child’s”;
- (b) for “adoption” there were substituted “parental order”;
- (c) for the words “adoptive parents” in both places they appear there were substituted “person or persons (as the case may be) who obtained the parental order”; and
- (d) in paragraph (b), for “are to be” there were substituted “are or is to be”.

**21.—(1)** Section76 (adopted children register) is modified as follows.

(2) Section76 has effect as if for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.

(3) Subsection (3) has effect as if—

- (a) in paragraph (a), for “adoption orders” there were substituted “parental orders”; and
- (b) in paragraph (b), after “Schedule 1” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (4) has effect as if for “adoption” there were substituted “parental order”.

(5) Subsection (5) has effect as if for the words “adopted person” in each place they appear there were substituted “person who is the subject of the parental order”.

(6) Subsection (6) has effect as if for “adoptions” and for “adoption orders” there were substituted “parental orders”.

(7) Subsection (9) has effect as if for “the adoption of a child” there were substituted “a parental order having been made in respect of a child”.

**22.—(1)** Section77 (searches and copies) is modified as follows.

(2) The section has effect as if for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.

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(3) Subsection (3) has effect as if for “an adopted person” there were substituted “a person who is the subject of a parental order”.

**23.**—(1) Section 78(1) to (3) and (7) to (9) (connections between the register and birth records) is modified as follows.

(2) Subsection (1) has effect as if—

(a) for “marked “Adopted”” there were substituted “marked “Re-registered by the Registrar General” pursuant to paragraph 1(2) of Schedule 1 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)””; and

(b) for “Adopted Children Register” there were substituted “Parental Order Register”.

(3) Subsection (2) has effect as if after “subsection (1)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (3) has effect as if—

(a) for “an adopted person” there were substituted “a person who to whom a parental order applies”; and

(b) for “the adopted person’s” there were substituted “the person’s”.

(5) Subsection (7) has effect as if for “an adopted person” there were substituted “a person to whom a parental order applies and”.

(6) Subsection (8) has effect as if for “any prescribed fee which the Registrar General has demanded must be paid, but this does not apply to an application under subsection (7)” there were substituted—

“(a) any prescribed fee which the Registrar General has demanded must be paid, but this does not apply to an application under subsection (7); and

(b) the applicant must—

(i) be informed about the availability of services providing counselling in relation to the implications of compliance with the request; and

(ii) be given a suitable opportunity to receive counselling.”.

(7) Subsection (9) has effect as if the definition of “appointed day” were omitted.

**24.** Section 81 (interpretation) has effect in respect of a parental order without modification.

**25.**—(1) Section 82(1), (5), (7) and (8) (restriction on bringing children in) is modified as follows.

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(2) Subsection (1) has effect as if—

- (a) paragraph (b) were omitted;
- (b) for the word “adoption” in each place it appears there were substituted “an application for a parental order being made in relation to that child”;
- and
- (c) the words “or to a child adopted” in each place they appear were omitted.

(3) Subsection (5) has effect as if for “this section applies” there were substituted “this section (as applied with modifications made by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”.

(4) Subsection (7) has effect as if—

- (a) for “this section applies” there were substituted “this section (as applied with modifications made by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”; and
- (b) paragraph (a) were omitted.

**26.** Section 105(1) (privacy) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**27.—**(1) Section 106(1) to (3) and (5) to (7) (children’s court guardians) is modified as follows.

- (2) Subsection (1) has effect as if the words “in prescribed cases” were omitted.
- (3) Subsection (5) has effect as if there were substituted—

“(5) In this section, “relevant application” means an application for the making or revocation or a parental order.”.

**28.—**(1) Section 108(1) (evidence of consent) has effect as if after “this Part” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations or by section 54(6) or section 54A(5) of the 2008 Act)”.

- (2) Section 108(2) has effect without modification.

**29.—**(1) Section 109(3) and (5) (effect of certain Scottish orders and provisions) is modified as follows.

(2) Subsection (3) has effect as if after “(4)” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”.

(3) Subsection (5) has effect as if—

- (a) after “certain provisions)” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”;
- and

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(b) after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**30.**—(1) Section 110(2) and (3) (effect of certain orders made in England and Wales) is modified as follows.

(2) Subsection (2) has effect as if after “(3)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(3) Subsection (3) has effect as if paragraphs (a) and (b) were omitted.

**31.**—(1) Section 111 (use of adoption records from Great Britain, etc.) is modified as follows.

(2) Paragraph (a) has effect as if after “2007” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”.

(3) Paragraph (b) has effect as if after “2002” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(4) Paragraph (c) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**32.**—(1) Section 155(1) and (2) (regulations and orders) is modified as follows.

(2) Subsection (1) has effect as if the words “other than regulations to which subsection (2) applies” were omitted.

(3) Subsection (6) has effect as if after the words “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**33.**—(1) Section 156 (rules of court) is modified as follows.

(2) Subsection (3) has effect as if—

(i) the words from “a placement order” to “order, or for an” were omitted; and

(ii) for “adoption order” there were substituted “a parental order”.

(3) The section has effect as if—

(a) for subsection (4) there were substituted—

“(4) The persons referred to in subsection (3) are every person whose agreement is required by section 54(6) or 54A(5) of the 2008 Act.”;

(b) subsection (5) were omitted.

**34.**—(1) Section 159(1) and (2) (general interpretation) is modified as follows.

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(2) Subsection (1) has effect as if—

(a) after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;

(b) the following definitions were inserted at the appropriate places—

““the 2008 Act” means the Human Fertilisation and Embryology Act 2008,”;

““parental order” means an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act”;

““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018,”.

(3) Subsection (2) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**35.**—(1) Paragraph 1 of Schedule 1 (registrations of adoption orders) is modified as follows.

(2) Sub-paragraph (1) has effect as if—

(a) for “adoption order” there were substituted “parental order”; and

(b) for “Adopted Children Register” there were substituted “Parental Order Register”.

(3) Sub-paragraph (2) has effect as if—

(a) for “an adoption order” there were substituted “a parental order”;

(b) for “any adoption order” there were substituted “any parental order”; and

(c) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;

(4) The paragraph has effect as if sub-paragraph (3) were omitted.

(5) Sub-paragraph (4) has effect as if for “an adoption order” there were substituted “a parental order”.

**36.**—(1) Paragraph 2 of Schedule 1 (registration of adoptions in Great Britain, the Isle of Man and the Channel Islands) is modified as follows.

(2) Sub-paragraph (1) has effect as if—

(a) for “Sub-paragraphs (2) and (3) apply” there were substituted “Sub-paragraph (2) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”;

(b) for “adoptions” there were substituted “parental orders”; and

(c) for “an order has been made authorising the adoption of a child” there were substituted “a parental order has been made in respect of a child”.



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- (3) Sub-paragraph (2) has effect as if—
  - (a) for “Adopted Children Register” there were substituted “Parental Order Register”;
  - (b) for “the word “Adopted”” there were substituted “the words “Re-registered by the Registrar General””.
- (4) The paragraph has effect as if sub-paragraph (3) were omitted.
- (5) Sub-paragraph (4) has effect as if for “in sub-paragraphs (2) and (3)” there were substituted “in sub-paragraph (2) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.
- (6) Sub-paragraph (5) has effect as if after “sub-paragraph (4)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

**37.—**(1) Paragraph 4 of Schedule 1 (amendment of orders and rectification of Registers and other records) is modified as follows.

- (2) The paragraph has effect as if—
  - (a) for the words “an adoption order” in each place they appear there were substituted “a parental order”;
  - (b) for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.
- (3) Sub-paragraph (1) has effect as if for “adopter or the adopted person” there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”.
- (4) Sub-paragraph (2) has effect as if—
  - (a) for “adopter or the adopted person” in the opening words there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”;
  - (b) in heads (a) and (b), for “the adopted person” there were substituted “the person who is the subject of the order”.
- (5) Sub-paragraph (3) has effect as if—
  - (a) after “paragraph 1(2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
  - (b) the words “or (3)” were omitted.
- (6) Sub-paragraph (4) has effect as if after “(1) to (3)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.
- (7) Sub-paragraph (7) has effect as if after “section 77(2)(b)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

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(8) The paragraph has effect as if sub-paragraphs (9) and (10) were omitted.

(9) Sub-paragraph (11) has effect as if the definition of “overseas register of births” were omitted.”.

#### Commencement Information

**I91** Sch. 3 para. 82 not in operation at Royal Assent, see [s. 160\(1\)](#)

**84.**—(1) In Schedule 4 (references to adoption etc in enactments to be read as references to effect of parental order etc), paragraph 5 is amended as follows.

(2) In head (a) for the words “the Adoption (Northern Ireland) Order 1987” in each place they appear substitute “the Adoption and Children Act (Northern Ireland) 2022”.

(3) In head (b)—

- (a) for “Article 50 of the Adoption (Northern Ireland) Order 1987” substitute “section 76 of the Adoption and Children Act (Northern Ireland) 2022”;
- (b) for “Article 50 of that Order” substitute “section 76 of that Act”.

#### Commencement Information

**I92** Sch. 3 para. 84 not in operation at Royal Assent, see [s. 160\(1\)](#)

## SCHEDULE 4

Section 154(2)

### Transitional and transitory provisions and savings

#### *Adoption support services*

**1.**—(1) The facilities to be provided by an HSC trust as part of the service maintained under Article 3(1) of the Adoption (Northern Ireland) Order 1987 include such arrangements as a trust may be required by regulations to make for the provision of adoption support services to prescribed persons.

(2) Regulations under sub-paragraph (1) may require an HSC trust—

- (a) at the request of a prescribed person, to carry out an assessment of the person’s needs for adoption support services,
- (b) if, as a result of the assessment, a trust decides that the person has such needs, to decide whether to provide any such services to the person,
- (c) if a trust decides to provide any such services to a person, and the circumstances fall within a description prescribed by the regulations, to

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prepare a plan in accordance with which the services are to be provided to the person and keep the plan under review.

(3) Subsections (7) and (8) (except paragraph (a)) of section 5 of this Act apply to regulations under sub-paragraph (1) as they apply to regulations made by virtue of that section.

(4) Article 59(1) of the Adoption (Northern Ireland) Order 1987 (prohibited payments) does not apply to any payment made in accordance with regulations under sub-paragraph (1).

(5) In this paragraph, “HSC trust” has the meaning given by Article 2 of the Adoption (Northern Ireland) Order 1987.

#### Commencement Information

**193** Sch. 4 para. 1 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Pending applications for freeing orders*

**2.** Nothing in this Act affects any application for an order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 (freeing for adoption) where—

- (a) the application has been made and has not been disposed of immediately before the repeal of those Articles; and
- (b) immediately before that repeal the home of the child in relation to whom the application is made is with a person with whom the child has been placed for adoption by an adoption agency.

#### Commencement Information

**194** Sch. 4 para. 2 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Freeing orders*

**3.—(1)** Nothing in this Act affects any order made under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 and Articles 19 to 21 of that Order are to continue to have effect in relation to such an order.

(2) Article 20 of that Order, as it has effect by virtue of this paragraph, is to apply as if, in paragraph (3)(c) after “1995” there were inserted—

“(ia) any care order, within the meaning of that Order;”.

(3) Where a child is free for adoption by virtue of an order made under Article 17 or 18 of that Order, the third condition in section 44(6) is to be treated as satisfied.

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#### Commencement Information

**195** Sch. 4 para. 3 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Pending applications for adoption orders*

**4.** Nothing in this Act affects any application for an adoption order under Article 12 of the Adoption (Northern Ireland) Order 1987 where—

- (a) the application has been made and has not been disposed of immediately before the repeal of that Article; and
- (b) immediately before that repeal the home of the child in relation to whom the application is made is with a person with whom the child has been placed for adoption by an adoption agency.

#### Commencement Information

**196** Sch. 4 para. 4 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Pending applications for parental orders*

**5.** Where, immediately before the repeal of the Adoption (Northern Ireland) Order 1987, an application for a parental order has been made under section 54 or 54A of the Human Fertilisation and Embryology Act 2008 and not yet determined—

- (a) the provisions of the Adoption (Northern Ireland) Order 1987 as modified by regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018 continue to have effect in respect of the application; and
- (b) notwithstanding the amendments made by Part 2 of Schedule 3, regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018 continue to have effect in their unamended form for the purpose of modifying the Adoption (Northern Ireland) Order 1987.

#### Commencement Information

**197** Sch. 4 para. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Advertising*

**6.** In Article 60 of the Adoption (Northern Ireland) Order 1987 (restrictions on advertisements)—

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(a) after paragraph (1) insert—

“(1A) Publishing an advertisement includes doing so by electronic means (for example, by means of the internet).”;

(b) in paragraph (2), for the words following “conviction” substitute “to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both”.

#### Commencement Information

**198** Sch. 4 para. 6 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Registration of adoptions*

7.—(1) The power of the court under paragraph 4(1) of Schedule 1 to amend an order on the application of the adopter or adopted person includes, in relation to an order made before 1st December 1969, power to make any amendment of the particulars contained in the order which appears to be required to bring the order into the form in which it would have been made if paragraph 1 of that Schedule had applied to the order.

(2) In relation to an adoption order made before the commencement of the Adoption (Northern Ireland) Order 1987, the reference in paragraph 4(3) of that Schedule to paragraph 1(2) or (3) is to be read as a reference to section 14(4) or (5) of the Adoption of Children Act (Northern Ireland) 1950 or, as the case requires, section 24(4) and (5) of the Adoption Act (Northern Ireland) 1967.

#### Commencement Information

**199** Sch. 4 para. 7 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Adoption (Hague Convention) Act (Northern Ireland) 1969*

8.—(1) Despite the repeal of the Adoption (Hague Convention) Act (Northern Ireland) 1969 (“the 1969 Act”) the following provisions of that Act continue to have effect—

- (a) section 5(1) (recognition of foreign determinations) so far as it applies to a determination made by an authority of any British territory outside the United Kingdom in respect of a convention adoption order and to which subsection (1)(b) of that section applies,
- (b) in section 6 (annulment etc.)—
  - (i) subsection (1) so far as it applies to convention adoption orders, and
  - (ii) subsections (3) and (4) so far as they apply to determinations,

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(c) in section 8 (registration)—

(i) subsection (3) so far as it applies to convention adoption orders or any entry or mark erroneously made in pursuance of subsection (2) of that section, and

(ii) subsection (4).

(2) Despite the repeal of the 1969 Act, the following provisions of that Act continue to have effect so far as they are necessary for the purposes of subparagraph (1)—

(a) section 7 (provisions supplemental to section 6),

(b) section 9 (nationality),

(c) section 10 (supplemental),

(d) section 11 (rules),

(e) section 12 (interpretation).

(3) In this paragraph—

“the 1969 Act” means the Adoption (Hague Convention) Act (Northern Ireland) 1969,

“convention adoption order” means an order under Article 12(1) of the Adoption (Northern Ireland) Order 1987 made in accordance with section 1(1) of the 1969 Act,

“determination” means a determination that has effect by virtue of section 5(1) of the 1969 Act.

#### **Commencement Information**

**I100** Sch. 4 para. 8 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Child Abduction (Northern Ireland) Order 1985*

**9.** Paragraph 5 of Schedule 3 does not affect the Schedule to the Child Abduction (Northern Ireland) Order 1985 in its application to a child who is the subject of—

(a) an order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 freeing the child for adoption;

(b) a pending application for such an order; or

(c) a pending application for an order under Article 12 of that Order.

#### **Commencement Information**

**I101** Sch. 4 para. 9 not in operation at Royal Assent, see [s. 160\(1\)](#)

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## SCHEDULE 5

Section 154(3)

### Repeals

#### Commencement Information

**I102** Sch. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

Short Title	Extent of Repeal
The Adoption (Hague Convention) Act (Northern Ireland) 1969	The whole Act.
The Child Abduction and Custody Act 1985	In Schedule 3, paragraph (8)(c)(v).
The Child Abduction (Northern Ireland) Order 1985	In Article 3(3A)(a), the word “or” at the end of head (i).
The Adoption (Northern Ireland) Order 1987	Parts 2 to 4. Part 6. Articles 57 to 71. Article 72(3). Schedule 2. Schedule 5.
The Social Security Contributions and Benefits (Northern Ireland) Act 1992	In section 167ZBA— (a) in subsection (1)— (i) the words “who is looked after by an authority and”; (ii) the words “, in the circumstances mentioned in paragraph (2),”; (b) subsection (2); (c) in subsection (5) the definition of “child who is looked after by an authority”; (d) subsection (6). In section 167ZLA— (a) in subsection (1)— (i) the words “who is looked after by an authority and”;

**Status:** Point in time view as at 01/04/2024.

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Short Title	Extent of Repeal
	<ul style="list-style-type: none"> <li>(ii) the words “, in the circumstances mentioned in paragraph (2),”;</li> <li>(b) subsection (2);</li> <li>(c) in subsection (5) the definition of “child who is looked after by an authority”.</li> </ul> <p>In section 167ZY—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1)— <ul style="list-style-type: none"> <li>(i) the words “who is looked after by an authority and”;</li> <li>(ii) the words “, in the circumstances mentioned in paragraph (2),”;</li> </ul> </li> <li>(b) subsection (2);</li> <li>(c) in subsection (5) the definition of “child who is looked after by an authority”.</li> </ul>
The Health and Personal Social Services (Northern Ireland) Order 1994	In Schedule 1, the amendments of the Adoption (Northern Ireland) Order 1987.
The Children (Northern Ireland) Order 1995	<p>In Article 2, the definitions of “Adoption Order” and “protected child”.</p> <p>Article 9(4).</p> <p>In Article 22(3), the word “or” at the end of sub-paragraph (a).</p> <p>In Article 27(8), the word “and” at the end of sub-paragraph (a).</p> <p>Article 28(1)(d).</p> <p>In Article 34E(1), the word “or” at the end of sub-paragraph (b).</p> <p>In Article 45, in paragraph (2)(e) and (f) the words “to consider”.</p> <p>Article 60(9)(b).</p> <p>Article 107(7)(b).</p>



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Short Title	Extent of Repeal
The Employment Rights (Northern Ireland) Order 1996	<p>In Article 108(3), the word “or” at the end of sub-paragraph (b).</p> <p>Article 178(6)(c).</p> <p>Article 181.</p> <p>In Schedule 9, paragraphs 140 to 166.</p> <p>In Article 85ZS—</p> <p>(a) in paragraph (1)—</p> <p>(i) the words “who is looked after by it”;</p> <p>(ii) the words “, in the circumstances mentioned in paragraph (2),”;</p> <p>(b) paragraph (2);</p> <p>(c) in paragraph (5) the definition of “child who is looked after by an authority”;</p> <p>(d) paragraph (6).</p> <p>In Article 107AB—</p> <p>(a) in paragraph (1)(c)—</p> <p>(i) the words “who is looked after by it”;</p> <p>(ii) the words “, in the circumstances mentioned in paragraph (2),”;</p> <p>(b) paragraph (2);</p> <p>(c) in paragraph (3) the definition of “child who is looked after by an authority”;</p> <p>(d) paragraph (4).</p> <p>In Article 107H—</p> <p>(a) in paragraph (1)—</p> <p>(i) the words “who is looked after by an authority and”;</p> <p>(ii) “, in the circumstances mentioned in paragraph (2),”;</p> <p>(b) paragraph (2);</p> <p>(c) in paragraph (4) the words “child who is looked after by an authority”.</p>

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Short Title	Extent of Repeal
	In Article 112BA— (a) in paragraph (1)— (i) the words “who is looked after by an authority and”; (ii) “, in the circumstances mentioned in paragraph (2),”; (b) paragraph (2); (c) in paragraph (4) the words “child who is looked after by an authority”.
The Adoption (Intercountry Aspects) Act (Northern Ireland) 2001	Sections 3, 5, 7, 9, 10, 12 and 13.
The Justice (Northern Ireland) Act 2002	In Schedule 1, each of the entries relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.  In Schedule 6, the entry relating to a Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987.
The Civil Partnership Act 2004	In section 203, subsections (3) to (5), (7) and (8).
The Children and Adoption Act 2006	Sections 9 to 12.  In section 17, subsections (5) and (8) (a) and (b).
The Human Fertilisation and Embryology Act 2008	In section 55(3), the word “and” at the end of paragraph (c).  In Schedule 6, paragraph 68.
The Civil Registration Act (Northern Ireland) 2011	Section 25(3).
The Health and Social Care Act (Northern Ireland) 2022	In Schedule 1, paragraphs 102 to 120, paragraph 193(2)(b) and (3)(b), and paragraph 195(2).
This Act	In Schedule 4, paragraph 1.

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