



## 2022 CHAPTER 18

### PART 3

#### Miscellaneous and supplementary

##### *Supplementary*

#### **Interpretation**

**159.**—(1) In this Act—

- “adoption agency” has the meaning given by section 2;
- “adoption authority” has the meaning given by section 2(2);
- “adoption order” has the meaning given by section 43(1);
- “adoption society” has the meaning given by section 2(2);
- “adoption support services” has the meaning given by section 2(6);
- “appropriate voluntary organisation” has the meaning given by section 2(3);
- “authority foster parent” has the meaning given by Article 2(2) of the Children Order;
- “body” includes an unincorporated body;
- “care order” has the meaning given by Article 2(2) of the Children Order;
- “child”, except where used to express a relationship, means a person who has not attained the age of 18 years;
- “child assessment order” has the meaning given in Article 2(2) of the Children Order;
- “Children Order” means the Children (Northern Ireland) Order 1995;

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*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 159 is up to date with all changes known to be in force on or before 12 June 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) View outstanding changes*

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“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

“Convention adoption” has the meaning given in section 65(1)(c);

“Convention adoption order” means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (regulations giving effect to the Convention), is made as a Convention adoption order;

“Convention country” means a country or territory in which the Convention is in force;

“court” has the meaning given by section 115(1);

“the Department” means the Department of Health;

“fee” includes expenses;

“guardian” has the same meaning as in the Children Order and includes a special guardian within the meaning of the Children Order;

“information” means information recorded in any form;

“interim care order” means an interim care order under Article 57 of the Children Order;

“notice” means a notice in writing;

“notice of intention to adopt” has the meaning given in section 41(2);

“overseas adoption” has the meaning given in section 90(1);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) In this Act “couple” means—

- (a) a married couple;
- (b) two persons who are civil partners of each other; or
- (c) two persons (whether of different sexes or the same sex) living as partners in an enduring family relationship.

(4) Subsection (3)(c) does not include two people one of whom is the other’s parent, grandparent, sister, brother, aunt or uncle.

(5) References to relationships in subsection (4)—

- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for adoption; and
- (b) include the relationship of a child with the child’s adoptive, or former adoptive, parents,

but do not include any other adoptive relationships.

(6) For the purposes of this Act, a person is the partner of a child’s parent if the person and the parent are a couple but the person is not the child’s parent.

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**Commencement Information**

**II** S. 159 in operation at 28.4.2022, see [s. 160\(2\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)