

*Status: This version of this provision is prospective.*

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 48 is up to date with all changes known to be in force on or before 16 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) View outstanding changes*



## 2022 CHAPTER 18

### PART 1

#### Adoption

#### CHAPTER 3

#### Placement for adoption and adoption orders

#### *The making of adoption orders*

PROSPECTIVE

#### **Adoption by one person**

**48.**—(1) An adoption order may be made on the application of one person who has attained the age of 21 years and is not married or a civil partner.

(2) An adoption order may be made on the application of one person who has attained the age of 21 years if the court is satisfied that the person is the partner of a parent of the person to be adopted.

(3) An adoption order may be made on the application of one person who has attained the age of 21 years and is married if the court is satisfied that—

- (a) the person's spouse cannot be found;
- (b) the spouses have separated and are living apart, and the separation is likely to be permanent; or
- (c) the person's spouse is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.

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(4) An adoption order may be made on the application of one person who has attained the age of 21 years and is a civil partner if the court is satisfied that—

- (a) the person’s civil partner cannot be found;
- (b) the civil partners have separated and are living apart, and the separation is likely to be permanent; or
- (c) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order.

(5) An adoption order may not be made on an application under this section by the mother or the father of the person to be adopted unless the court is satisfied that—

- (a) the other natural parent is dead or cannot be found;
- (b) by virtue of the provisions specified in subsection (6) there is no other parent; or
- (c) there is some other reason justifying the child’s being adopted by the applicant alone,

and, where the court makes an adoption order on such an application, the court must record that it is satisfied as to the fact mentioned in paragraph (a) or (b) or, in the case of paragraph (c), record the reason.

(6) The provisions referred to in subsection (5)(b) are—

- (a) section 28 of the Human Fertilisation and Embryology Act 1990 (disregarding subsections (5A) to (5I) of that section); or
- (b) sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act).

#### **Commencement Information**

**II** S. 48 not in operation at Royal Assent, see [s. 160\(1\)](#)

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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](#)