

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

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 86 is up to date with all changes known to be in force on or before 24 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*



## 2022 CHAPTER 18

### PART 1

#### Adoption

#### CHAPTER 6

##### Adoptions with a foreign element

##### *Adoptions from abroad: special restrictions*

PROSPECTIVE

#### **Declaration of special restrictions on adoptions from abroad**

**86.—**(1) This section applies if the Department has reason to believe that, because of practices taking place in a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man, (the “other country”) in connection with the adoption of children, it would be contrary to public policy to further the bringing of children into the United Kingdom in the cases mentioned in subsection (2).

(2) The cases are that—

- (a) a British resident wishes to bring, or cause another to bring, a child who is not a British resident into the United Kingdom for the purpose of adoption by the British resident, and, in connection with the proposed adoption, there have been, or would have to be, proceedings in the other country or dealings with authorities or agencies there, or
- (b) a British resident wishes to bring, or cause another to bring, into the United Kingdom a child adopted by the British resident under an adoption

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effected, within the period of twelve months ending with the date of the bringing in, under the law of the other country.

(3) The Department may by order declare, in relation to any such country or territory, that special restrictions are to apply for the time being in relation to the bringing in of children in the cases mentioned in subsection (2).

(4) A country or territory in relation to which such a declaration has effect for the time being is referred to in this section as a “restricted country”.

(5) The Department must publish reasons for making the declaration in relation to each restricted country.

(6) The Department must publish a list of restricted countries (“the restricted list”) and keep the list up to date.

(7) The reasons and the restricted list are to be published in whatever way the Department thinks appropriate for bringing them to the attention of adoption agencies and members of the public.

(8) In this section, “British resident” means a person who is habitually resident in the United Kingdom, the Channel Islands and the Isle of Man, and the reference to adoption by a British resident includes adoption by a British resident and another person.

#### Commencement Information

**II** S. 86 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](#)