
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART III **N.I.**

ADOPTION ORDERS

The making of adoption orders

Parental agreement **N.I.**

16^{F1}.—(1) An adoption order shall not be made unless—

- (a) the child is free for adoption by virtue of an order made in Northern Ireland under Article 17(1) or 18(1), made in England and Wales under section 18 of the Adoption Act 1976^{F2} (freeing children for adoption in England and Wales)^{F3}. . . ; or
- [^{F4}(aa) the child is the subject of a Scottish permanence order which includes provision granting authority for the child to be adopted; or]
- (b) in the case of each parent or guardian of the child the court is satisfied that—
 - (i) he freely, and with full understanding of what is involved, agrees—
 - (aa) either generally in respect of the adoption of the child or only in respect of the adoption of the child by a specified person, and
 - (ab) either unconditionally or subject only to a condition with respect to the religious persuasion in which the child is to be brought up, to the making of an adoption order; or
 - (ii) his agreement to the making of the adoption order should be dispensed with on a ground specified in paragraph (2).
- (2) The grounds mentioned in paragraph (1)(b)(ii) are that the parent or guardian—
 - (a) cannot be found or is incapable of giving agreement;
 - (b) is withholding his agreement unreasonably;
 - (c) has persistently failed without reasonable cause to discharge^{F5} his parental responsibility for] the child;
 - (d) has abandoned or neglected the child;
 - (e) has persistently ill-treated the child;
 - (f) has seriously ill-treated the child (subject to paragraph (4)).
- (3) Agreement by the mother of the child is ineffective for the purposes of paragraph (2)(b)(i) if given less than 6 weeks after the child's birth.
- (4) Paragraph (2)(f) does not apply unless (because of the ill-treatment or for other reasons) the rehabilitation of the child within the household of the parent or guardian is unlikely.

Status: Point in time view as at 15/07/2011.

Changes to legislation: The Adoption (Northern Ireland) Order 1987, Section 16 is up to date with all changes known to be in force on or before 27 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)

(5) The reference in paragraph (1)(b) to a parent of a child does not include a reference to any person having^{F6} parental responsibility for] the child by virtue of—

[^{F7}(a) Article 53 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (which relates to parental responsibility for children ordered to be sent to juvenile justice centres);]
Sub#para. (b) rep. by 1995 NI 2

F1 mod. by SR 2003/16

F2 1976 c. 36

F3 Words in art. 16(1)(a) repealed (15.7.2011) by Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), arts. 1(2), 2, **Sch. 1 Pt. 3**

F4 Art. 16(1)(aa) inserted (15.7.2011) by Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), arts. 1(2), 2, **Sch. 1 para. 11(4)**

F5 1995 NI 2

F6 1995 NI 2

F7 1998 NI 9

Modifications etc. (not altering text)

C1 Art. 16(1)(a) modified (temp. from 2.11.2010 to 2.7.2011) by Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2469), **arts. 5(b), 6**

Status:

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