

STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART II N.I.

ARRANGEMENTS FOR ADOPTION

The Adoption Service

The Adoption Service N.I.

3.—(1) ^{F1}It shall be the duty of—

(aa) an ^{F2}HSC trust] in relation to its area;

^{F3}(bb)

to establish and maintain] a service designed to meet the needs, in relation to adoption, of—

- (a) children who have been or may be adopted;
- (b) parents and guardians of such children; and
- (c) persons who have adopted or may adopt a child,

and for that purpose^{F1} to provide] the requisite facilities, or secure that they are provided by^{F4}appropriate voluntary organisations].

(2) The facilities to be provided as part of the service maintained under paragraph (1) include—

- (a) temporary board and lodging where needed by pregnant women, mothers or children;
- (b) arrangements for assessing children and prospective adopters, and placing children for adoption;
- (c) counselling for persons with problems relating to adoption.

^{F5}(2A) In this Part references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the United Kingdom, the Channel Islands and the Isle of Man.]

(3) The service maintained^{F6}. . . under paragraph (1) may be collectively referred to as “the Adoption Service”, and ^{F7}...^{F1} an ^{F2}HSC trust]] or^{F8}an appropriate voluntary organisation] may be referred to as an adoption agency.

F1 1994 NI 2
F2 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)
F3 [Art. 3\(1\)\(bb\)](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 104\(2\)](#); S.R. 2022/102, [art. 2\(b\)](#)

Status: Point in time view as at 01/04/2022.

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- F4** Words in art. 3(1) substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **art. 3**, Sch. 1
- F5** 2001 c. 11 (NI)
- F6** 1994 NI 2
- F7** Words in art. 3(3) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 104(3)**; S.R. 2022/102, art. 2(b)
- F8** Words in art. 3(3) substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **art. 3**, Sch. 1

Adoption societies

Registration of adoption societies **N.I.**

4. ^{F9}

- F9** Art. 4 repealed (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(2), Sch. 5; S.R. 2010/288, **art. 3**, Sch. 1 (with arts. 4, 5)

Cancellation of registration **N.I.**

5.—(1) ^{F10}

(2) [^{F11}Where, by virtue of the cancellation of the registration of any person under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, a body has ceased to be an appropriate voluntary organisation], the Department may direct the body^{F12}. . . to make such arrangements as to children who are in its care and other transitional matters as seem to the Department expedient.

- F10** Art. 5(1) repealed (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), arts. 1(3), 50(2), Sch. 5; S.R. 2010/288, **art. 3**, Sch. 1
- F11** Words in art. 5(2) substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **art. 3**, Sch. 1
- F12** Word in art. 5(2) repealed (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), arts. 1(3), 50(2), Sch. 5; S.R. 2010/288, **art. 3**, Sch. 1

Procedure and right of appeal where registration refused or cancelled **N.I.**

6. ^{F13}

- F13** Art. 6 repealed (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), arts. 1(3), 50(2), Sch. 5; S.R. 2010/288, **art. 3**, Sch. 1

Inspection of books, etc., of registered adoption societies **N.I.**

7. ^{F14}

F14 Art. 7 repealed (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), arts. 1(3), 50(2), Sch. 5; S.R. 2010/288, art. 3, Sch. 1

Inactive or defunct adoption societies **N.I.**

8.—(1) If it appears to the Department that a [^{F15}body which is or has been an appropriate voluntary organisation] is inactive or defunct, the Department may, in relation to any child who is or was in the care of the [^{F16}organisation], direct [^{F17}an][^{F18}HSC trust] to take such action as might have been taken by the [^{F16}organisation] or by the [^{F16}organisation] jointly with some other body (including [^{F17}an][^{F18}HSC trust]).

(2) Before giving a direction under paragraph (1), the Department shall, if practicable, consult both the [^{F16}organisation] and the ^{F19}... [^{F18}HSC trust].

F15 Words in art. 8(1) substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, art. 3, Sch. 1

F16 Word in art. 8 substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, art. 3, Sch. 1

F17 Word in art. 8(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 105(2); S.R. 2022/102, art. 2(b)

F18 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2

F19 Words in art. 8(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 105(3); S.R. 2022/102, art. 2(b)

Welfare of children

Duty to promote welfare of child **N.I.**

9. In deciding on any course of action in relation to the adoption of a child, a court or adoption agency shall regard the welfare of the child as the most important consideration and shall—

- (a) have regard to all the circumstances, full consideration being given to—
 - (i) the need to be satisfied that adoption, or adoption by a particular person or persons, will be in the best interests of the child; and
 - (ii) the need to safeguard and promote the welfare of the child throughout his childhood; and
 - (iii) the importance of providing the child with a stable and harmonious home; and
- (b) so far as practicable, first ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.

Status: Point in time view as at 01/04/2022.

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Modifications etc. (not altering text)

- C1** Art. 9 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Supplemental

Regulation of adoption agencies **N.I.**

10.—(1) Regulations may make provision for any purpose relating to the exercise by adoption agencies of their functions in connection with the adoption of children.

[^{F20}(1A) Regulations under paragraph (1) may in particular make, in relation to an appropriate voluntary organisation any provision which regulations under Article 23(2) or (7) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 may make in relation to a fostering agency (within the meaning of that Order).]

(2) Regulations may make the contravention of any regulation an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

- F20** Art. 10(1A) inserted (3.9.2010 for certain purposes otherwise 29.10.2010) by [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431\)](#), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **arts. 2, 3**, Schs. 1, 2 (with arts. 4, 5)

Restriction on arranging adoptions and placing children **N.I.**

11.—(1) A person other than an adoption agency shall not make arrangements for the adoption of a child, or place a child for adoption, unless—

- (a) he is a parent of the child and the proposed adopter, or one of the proposed adopters, is a relative of the child; or
- (b) he is acting in pursuance of an order of the High Court.

(2) An adoption society approved as respects England and Wales^{F21} under section 3 of the Adoption Act 1976 or as respects Scotland [^{F22}a registered adoption service provided as mentioned in paragraph 8(1) of schedule 12 to the Public Services Reform (Scotland) Act 2010 and registered under Part 5 of that Act], but which is not [^{F23}an appropriate voluntary organisation], shall not act as an adoption society in Northern Ireland except to the extent that [^{F24}it] considers it necessary to do so in the interests of a person mentioned in section 1 of that Act of 1976 or, as the case may be, [^{F25}section 1(3) of the Adoption and Children (Scotland) Act 2007].

(3) A person who—

- (a) takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of children and [^{F26}which is not—
 - (i) [^{F27}an]HSS trust; or
 - (ii) a voluntary adoption agency within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of which he is registered;]

; or

- (b) contravenes paragraph (1); or
- (c) receives a child placed with him in contravention of paragraph (1);

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(4) In any proceedings for an offence under paragraph (2)(a) proof of things done or of words written, spoken, or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of children on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

Para. (5) rep by 1995 NI 2

- F21** 1976 c 36
- F22** Words in art. 11(2) substituted (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(3)(a)**
- F23** Words in art. 11(2) substituted (29.10.2010) by virtue of Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **art. 3**, Sch. 1
- F24** Words in art. 11(2) substituted (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(3)(b)**
- F25** Words in art. 11(2) substituted (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(3)(c)**
- F26** Words in art. 11(3)(a) substituted (29.10.2010) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, **art. 3**, Sch. 1
- F27** Word in art. 11(3)(a)(i) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 106**; S.R. 2022/102, art. 2(b)

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