

STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART III

ADOPTION ORDERS

Supplemental

Notification to [F¹HSC trust] of adoption application, where child not placed by adoption agency

22 ^{F2}.—(1) An adoption order shall not be made in respect of a child who was not placed with the applicant by an adoption agency unless the applicant has, at least 3 months before the date of the order, served notice on the ^{F3}... [F⁴HSC trust] within whose area he has his home of his intention to apply for the adoption order.

[F⁵(1A) An application for such an adoption order shall not be made unless the person wishing to make the application has, within the period of two years preceding the making of the application, given notice as mentioned in paragraph (1).

(1B) In paragraphs (1) and (1A) the references to the area in which the applicant or person has his home are references to the area in which he has his home at the time of giving the notice.]

(2) On receipt of such a notice the ^{F6}... [F⁴HSC trust] shall investigate the matter and submit to the court a report of its investigation and shall assist the court in any manner the court may direct.

(3) Under paragraph (2), the ^{F7}... [F⁴HSC trust] shall in particular investigate,—

(a) so far as is practicable, the suitability of the applicant, and any other matters relevant to the operation of Article 9 in relation to the application; and

(b) whether the child was placed with the applicant in contravention of Article 11.

^{F8}(4)

[F⁹(5) An [F⁴HSC trust] which receives notice under paragraph (1) in respect of a child whom the trust knows to be[F⁵ looked after by] another [F⁴HSC trust]^{F10}... shall, not more than 7 days after the receipt of the notice, inform that other [F⁴HSC trust]^{F10}... in writing, that it has received the notice.]

F1 Words in art. 22 heading substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 109(5)**; S.R. 2022/102, art. 2(b)
F2 mod. by SR 2003/16
F3 Words in art. 22(1) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 109(2)**; S.R. 2022/102, art. 2(b)
F4 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**
F5 1995 NI 2

Changes to legislation: *The Adoption (Northern Ireland) Order 1987, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 06 May 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*

- F6** Words in art. 22(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. 109\(2\)](#); S.R. 2022/102, art. 2(b)
- F7** Words in art. 22(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. 109\(2\)](#); S.R. 2022/102, art. 2(b)
- F8** Art. 22(4) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 109\(3\)](#); S.R. 2022/102, art. 2(b)
- F9** 1994 NI 2
- F10** Words in art. 22(5) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 109\(4\)](#); S.R. 2022/102, art. 2(b)

Enquiries to be made of ^{F11}HSC trust] , where child is to be placed by registered adoption society

23. Where^{F12}an appropriate voluntary organisation] is considering the placement of a child with any person for adoption,^{F13}the organisation] shall make enquiries of the ^{F14}... [^{F15}HSC trust] in whose area that person's place of residence is situated so that the ^{F14}... [^{F15}HSC trust] may inform^{F13}the organisation] whether or not there is any reason to believe that the proposed adoption would be detrimental to the child.

- F11** Words in art. 23 heading substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 110\(3\)](#); S.R. 2022/102, art. 2(b)
- F12** Words in art. 23 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](#)
- F13** Words in art. 23 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](#)
- F14** Words in art. 23 omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 110\(2\)](#); S.R. 2022/102, art. 2(b)
- F15** 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](#)

Reports to court where child placed by agency

24.—(1) Where an application for an adoption order relates to a child placed by an adoption agency, the agency shall submit to the court a report on the suitability of the applicants and any other matters relevant to the operation of Article 9 and shall assist the court in any manner the court may direct.

(2) Arrangements may be made by an adoption agency which has placed a child for its functions in relation to that child with respect to the report on the suitability of the applicants for adoption and any other matters relevant to the operation of Article 9 to be discharged by another adoption agency where unforeseen and exceptional circumstances make such an arrangement necessary.

Restrictions on making adoption orders

25.—(1) The court shall not proceed to hear an application for an adoption order in relation to a child where a previous application for a British adoption order made in relation to the child by the same persons was refused by any court unless—

- (a) in refusing the previous application the court directed that this paragraph should not apply, or

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(b) it appears to the court that because of a change in circumstances or for any other reason it is proper to proceed with the application.

(2) The court shall not make an adoption order in relation to a child unless it is satisfied that the applicants have not, as respects the child, contravened Article 59.

[^{F16}(3) In this Article “British adoption order” means—

- (a) an adoption order or an order under the Adoption Act (Northern Ireland) 1967; or
- (b) an order under any provision for the adoption of a child effected under the law of any of the following countries, that is to say, the Channel Islands, the Isle of Man and a colony, which is a British territory for the purposes of section 24 of the Adoption Act 1976.]

F16 1995 NI 2

Modifications etc. (not altering text)

C1 Art. 25(1) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Interim orders

26.—(1) Where on an application for an adoption order the requirements of Articles 16(1) and 22(1) are complied with, the court may postpone the determination of the application and make an order^[^{F17} giving parental responsibility for the child to] the applicants for a probationary period not exceeding 2 years upon such terms for the maintenance of the child and otherwise as the court thinks fit.

(2) Where the probationary period specified in an order under paragraph (1) is less than 2 years, the court may by a further order extend the period to a duration not exceeding 2 years in all.

F17 1995 NI 2

Art. 27. rep. by 1995 NI 2

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

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 6(2) words inserted by [S.I. 2019/1514 reg. 29\(4\)](#)
- art. 60(1A) inserted by [2022 c. 18 \(N.I.\) Sch. 4 para. 6\(a\)](#)