
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous provisions

Adoption by persons domiciled outside Northern Ireland

57.—^[F1](1) Where on an application made in respect of a child by a person who is not domiciled in Northern Ireland or England and Wales or Scotland an authorised court is satisfied that he intends to adopt the child under the law of or within the country in which the applicant is domiciled, the court may, subject to the provisions of this Article, make an order giving him parental responsibility for the child.]

(2) The provisions of Part III relating to adoption orders, except Articles 12(1),^[F1] 14(4), 15(2), 17 to 21 and 26, shall apply in relation to an order under this Article as they apply in relation to adoption orders subject to the modification that in Article 13(1) for “19” and “13” there are substituted “ 32 ” and “ 26 ” respectively.

(3) Articles 50, 51(1), 53(1) and 54 shall apply in relation to an order under this Article, except that any entry in the Register of Births or in the Adopted Children Register which is required to be marked in consequence of the making of an order under this Article shall, in lieu of being marked with the word “Adopted” or “Re-adopted” be marked with the words “ Proposed foreign adoption ” or “ Proposed foreign re-adoption ”, as the case may require.

Para. (4) rep. by 1995 NI 2

F1 1995 NI 2

Restriction on removal of children for adoption outside Northern Ireland

58.—(1) Except under the authority of an order under Article 57^[F2], section 55 of the Adoption Act 1976 or section 49 of the Adoption (Scotland) Act 1978] it shall not be lawful for any person to take or send a child who is a British subject or a citizen of the Republic of Ireland out of Northern Ireland to any place outside the British Islands with a view to the adoption of the child by any person not being a parent or guardian or relative of the child; and any person who takes or sends a child out of Northern Ireland to any place in contravention of this paragraph, or makes or takes part in any arrangements for^[F2] placing a child with] any person for that purpose, shall be guilty of an offence and shall be 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.

(2) In any proceedings under this Article, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as

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evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(3) In this Article “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

F2 1995 NI 2

[^{F3}Restriction on bringing children into the United Kingdom for adoption

58ZA.—(1) A person habitually resident in the British Islands who at any time brings into the United Kingdom for the purpose of adoption a child who is habitually resident outside those Islands shall be guilty of an offence unless such requirements as may be prescribed are satisfied either—

- (a) before that time; or
- (b) within such period beginning with that time as may be prescribed.

(2) Paragraph (1) does not apply where the child is brought into the United Kingdom for the purpose of adoption by a parent, guardian or relative.

(3) A person guilty of an offence under this Article shall be 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) Proceedings for an offence under this Article may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecution to warrant the proceedings came to its knowledge; but no such proceedings shall be brought by virtue of this paragraph more than 3 years after the commission of the offence.

(5) In this Article “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.]

F3 2001 c. 11 (NI)

[^{F4}Effect of determinations in Convention countries, etc.

58ZB. Where—

- (a) an authority of a Convention country (other than the United Kingdom) having power under the law of that country—
 - (i) to authorise, or review the authorisation of, a Convention adoption; or
 - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order; or
- (b) an authority of any of the Channel Islands, the Isle of Man or any colony having power under the law of that territory—
 - (i) to authorise, or review the authorisation of, a Convention adoption or an adoption effected in that territory; or
 - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order,

makes a determination in the exercise of that power, then, subject to Article 55A and any subsequent determination having effect under this Article, the determination shall have effect in Northern Ireland for the purpose of effecting, confirming or terminating the adoption in question or confirming its termination as the case may be.]

F4 2001 c. 11 (NI)

[^{F5}Orders made in adoption proceedings outside Northern Ireland

58A.—(1) Paragraphs (2) to (4) of Article 12 shall apply in relation to an order freeing a child for adoption (other than an order under Article 17(1) or 18 (1)) as if it were an adoption order; and, on the revocation in England and Wales or Scotland of an order freeing a child for adoption, paragraphs (3) and (3A) of Article 20 shall apply as if the order had been revoked under that Article.

(2) Articles 12(3) and (4) and 49 shall apply in relation to a child who is the subject to an order which is similar to an order under Article 57 and is made in any part of Great Britain or the Channel Islands or in the Isle of Man, as they apply in relation to a child who is the subject of an adoption order.]

F5 1995 NI 2

Prohibition on certain payments

59.—(1) Subject to the provisions of this Article[^{F6} and Article 59A] it shall not be lawful for any person to make or give any payment or reward whatsoever in consideration of or in connection with the adoption of any child.

(2) Paragraph (1) shall not apply to—

- (a) any payment made to or received by an adoption agency in connection with the adoption of a child being a payment in respect of expenses reasonably incurred by the agency in connection with the adoption of the child;
- (b) any payment or reward the receipt or making of which is authorised by the court to which an application is made for an adoption order in respect of a child, or pursuant to any agreement, whether entered into before or after the making of the application, with respect to the receipt or making of any such payment or reward as may be so authorised;
- (c) any payment made by or on behalf of a registered adoption society in respect of the maintenance of a child who has been placed at the disposition of the society;
- (d) any payment made to a registered adoption society by the parent or guardian of a child or by any other person in respect of the maintenance of the child so long as the child is not[^{F6} with] an adopter, being a payment made weekly and at a rate not exceeding such rate as may be prescribed.

(3) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this Article, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be guilty of an offence and shall be 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;^{F6} . . .

Paras. (4)#(11) rep. by 1995 NI 2

F6 1995 NI 2

[^{F7}Permitted allowances

59A.—(1) The Department may make regulations for the purpose of enabling adoption agencies to pay allowances to persons who have adopted, or intend to adopt, children in pursuance of arrangements made by the agencies.

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(2) Article 59(1) shall not apply to any payment made by an adoption agency in accordance with the regulations.

(3) The regulations may, in particular, make provision as to—

- (a) the procedure to be followed by an agency in determining whether a person should be paid an allowance;
- (b) the circumstances in which an allowance may be paid;
- (c) the factors to be taken into account in determining the amount of an allowance;
- (d) the procedure for review, variation and termination of allowances; and
- (e) the information about allowances to be supplied by an agency to any person who is intending to adopt a child.

(4) Any scheme approved under Article 59(4) shall be revoked as from the commencement of this Article.

(5) Article 59(1) shall not apply in relation to any payment made—

- (a) in accordance with a scheme revoked under paragraph (4) or Article 59(5)(b); and
- (b) to a person to whom such payments were made before the revocation of the scheme.

(6) Paragraph (5) shall not apply where any person to whom any payments may lawfully be made by virtue of paragraph (5) agrees to receive (instead of such payments) payments complying with regulations made under this Article.]

F7 1995 NI 2

Restriction on advertisements

60.—(1) It shall not be lawful for any advertisement to be published indicating—

- (a) that the parent or guardian of a child desires to cause a child to be adopted; or
- (b) that a person desires to adopt a child; or
- (c) that any person (not being an adoption agency) is willing to make arrangements for the adoption of a child.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Prohibition of wrongful disclosure of information

61. Any person who, being or having been—

- (a) a member of, or of a committee of, an adoption agency, or
- (b) employed by, or by a committee of, an adoption agency,

publishes or communicates whether directly or indirectly, otherwise than in the ordinary course of duty, to any person without lawful authority any information obtained in the course of his membership or employment relating to the adoption or intended or proposed adoption of any child shall (without prejudice to any right of any such body to dismiss on the ground of misconduct such a person who makes such publication or communication while in their employment) be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Evidence and procedure

Evidence of agreement and consent

62.—(1) Any agreement or consent which is required by this Order to be given to the making of an order or application for an order may be given in writing, and, if the document signifying the agreement or consent is witnessed in accordance with adoption rules, it shall be admissible in evidence without further proof of the signature of the person by whom it was executed.

(2) A document signifying such agreement or consent which purports to be witnessed in accordance with adoption rules shall be presumed to be so witnessed, and to have been executed and witnessed on the date and at the place specified in the document, unless the contrary is proved.

Modifications etc. (not altering text)

C1 Art. 62(1) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Evidence of adoptions, etc.

63.—(1) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall—

- (a) without any further or other proof of that entry, be received as evidence of the adoption to which it relates; and
- (b) where the entry contains a record of the date of the birth of the adopted person or of the country or the registration district in which he was born, be also received as evidence of that date or country or district.

(2) Any document which under section 50(2) of the Adoption Act 1976^{F8} or section 45(2) of the Adoption (Scotland) Act 1978^{F9} or any corresponding provision of any other Act is receivable as evidence of any matter in any part of Great Britain shall also be so receivable in Northern Ireland.

(3) An adoption, other than one to which paragraph (1) or (2) relates, may be proved by the production of any document which is receivable as evidence of the adoption in the country under whose law the adoption was made.

F8 1976 c. 36

F9 1978 c. 28

Modifications etc. (not altering text)

C2 Art. 63(1)(2) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Removal of proceedings and appeals

64.—(1) ^{F10} . . . where any application is made under this Order to a county court, the High Court may, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.

(2) ^{F10} . . . where an application is made under this Order to a county court and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the county court shall refuse to make an order, and in that case no appeal shall lie under paragraph (3).

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(3) Subject to^{F10} paragraph (2)] and without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980^{F11} any person aggrieved with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of the County Courts (Northern Ireland) Order 1980 and the appeal were brought under Article 60 of that Order.

Para. (4) rep. by 1995 NI 2

F10 1995 NI 2

F11 1980 NI 3

Modifications etc. (not altering text)

C3 Art. 64(3) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Proceedings to be in private

65. Proceedings under Part III, Article 30 and Article 57—

- (a) in the High Court, may be disposed of in chambers;
- (b) in a county court, shall be heard and determined in chambers.

Modifications etc. (not altering text)

C4 Art. 65 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

[^{F12}Guardians ad litem

66.—(1) For the purpose of any application for an adoption order or an order freeing a child for adoption or an order under Article 20 or 57, an authorised court shall appoint a guardian ad litem for the child concerned.

(2) The guardian ad litem—

- (a) shall be appointed in accordance with adoption rules; and
- (b) shall be under a duty to safeguard the interests of the child in the prescribed manner.]

F12 1995 NI 2

Modifications etc. (not altering text)

C5 Art. 66 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Panels for selection of guardians ad litem

66A.—(1) The Department may by regulations provide for the establishment of panels of persons from whom guardians ad litem appointed under Article 66 must be selected.

(2) The regulations may, in particular, make provision—

- (a) for the constitution, administration and procedures of panels and for the appointment of panel managers;
- (b) for the defrayment of expenses and for the payment of fees and allowances;

- (c) as to the qualifications for appointment as a guardian ad litem;
 - (d) as to the training to be given to guardians ad litem or to persons with a view to their appointment as guardians ad litem; and
 - (e) for monitoring the work of guardians ad litem.
- (3) Adoption rules may make provision as to the assistance which any guardian ad litem may be required by the court to give to it.
- (4) The Department may, with the approval of the Department of Finance and Personnel, make such grants as the Department considers appropriate with respect to expenditure incurred under regulations made under this Article.

Adoption rules

67.—(1) In the case of—

- (a) an application for an adoption order in relation to a child who is not free for adoption;
- (b) an application for an order freeing a child for adoption;

rules shall require every person who can be found and whose agreement or consent to the making of the order is required under this order to be notified of a date and place where he will be heard on the application and of the fact that, unless he wishes or the court requires, he need not attend.

(2) In the case of an application under Article 57, rules shall require every parent and guardian of the child who can be found to be notified as aforesaid.

Supplemental

Regulations

68. Regulations^[F13] under this Order] shall be subject to negative resolution.

F13 SR 1993/494

Modifications etc. (not altering text)

C6 Art. 68 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Art. 69 rep. by 2005 c. 12

Power of Department to conduct or assist research

70. The Department with the approval of the Department of Finance and Personnel may conduct or promote or assist (by grants or otherwise) any person in conducting research or investigations into any matter connected with the functions of the Department or of any Board^[F14] or ^[F15]HSC trust]] under this Order or any matter connected with the adoption of children.

F14 1994 NI 2

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**

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Inspection

71.—(1) The Department may appoint or designate an officer or other person (an “inspector”) to inspect and report to the Department concerning any institution, premises or other place whatsoever where any child is kept in respect of whom—

- (a) an application has been made under Article 17(1) or 18(1) for an order declaring him free for adoption;
 - (b) notice of an intended application for his adoption has been served on a Board^[F16] or ^[F17]HSC trust]] under Article 22;
 - (c) enquiries have been made of a Board^[F16] or ^[F17]HSC trust]] under Article 23;
 - (d) an interim order is in force under Article 26; or
 - (e) an application has been made under Article 57.
- (2) An inspector (on production, if so required, of his credentials) may—
- (a) at any time enter any institution, premises or place which by virtue of paragraph (1) he is authorised or required to inspect; and
 - (b) require the person who at that time has control or management of any place to be inspected to furnish such information as the inspector may reasonably require.

(3) The Department may pay to an inspector who is not an officer of the Department such sum by way of salary or fees and such sum for expenses as it may determine with the approval of the Department of Finance and Personnel.

F16 1994 NI 2

F17 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](#)

Transitional provisions, savings, amendments and repeals

72.—(1) The transitional and saving provisions contained in Schedule 3 shall have effect.

Para. (2)—Amendments

Para. (3)—Repeals

Status:

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