

SCHEDULES

SCHEDULE 1

Article 6(4).

APPEAL TRIBUNALS

Constitution

1. An Appeal Tribunal shall consist of the following members, that is to say—
 - a chairman, who shall be a practising barrister-at-law of not less than 7 years' standing, appointed by the Lord Chief Justice;
 - a member appearing to the Department to be a suitably qualified person with experience in children's welfare work, appointed by the Department;
 - a member with experience in the administration of a voluntary organisation concerned with the welfare of children, appointed by the Department.
2. An officer of a government department shall not be appointed a member of an Appeal Tribunal.
3. Any decision of an Appeal Tribunal shall be made by the chairman after consultation with the other members.
4. The Department may nominate one of its officers to act as clerk of an Appeal Tribunal.

Procedure

5. An Appeal Tribunal may give directions with respect to the practice and procedure to be followed in any proceedings before the Tribunal and any thing incidental to or consequential on such proceedings.

Costs

6. An Appeal Tribunal may make orders as to the costs incurred by the Department and the appellant and as to the parties by whom the costs are to be paid; and any costs of the Department which are so ordered to be paid by the appellant shall be a debt recoverable summarily by the Department from the appellant.

Status: This is the original version (as it was originally made).

SCHEDULE 2

Article 51.

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER

1	2	3	4	5	6	7	8
<i>No. of entry</i>	<i>Date and country of birth of child</i>	<i>Name and surname of child</i>	<i>Sex of child</i>	<i>Name and surname, address and occupation of adopter or adopters</i>	<i>Date of adoption order and description of court by which made</i>	<i>Date of entry</i>	<i>Signature of officer deputed by Registrar General to attest the entry</i>

SCHEDULE 3

Article 72(1).

TRANSITIONAL PROVISIONS AND SAVINGS

1. Where any period of time specified in a statutory provision repealed by this Order is current at the commencement date, this Order shall have effect as if the corresponding provision thereof had been in force when that period began to run.

2.—(1) An interim order made under section 8 of the Adoption Act (Northern Ireland) 1967⁽¹⁾ which is in force at the commencement date shall be treated as an interim order made under Article 26.

(2) Paragraphs (1) and (2) of Article 52, shall apply in relation to an adoption order made before the commencement date as if the order had been made under Article 12, but as if, in sub-paragraph (b) of the said paragraph (1), there were substituted for the reference to Article 51(4) or (5) a reference to section 14(4) or (5) of the Adoption of Children Act (Northern Ireland) 1950⁽²⁾ or, as the case requires, section 24(4) or (5) of the Adoption Act (Northern Ireland) 1967.

(3) The power of the court under Article 52(1) to amend an order includes power, in relation to an order made before 1st December 1969, to make on the application of the adopter or adopted person any such amendment of the particulars contained in the order as appears to be required to bring the order into the form in which it would have been made if Article 52 had applied to the order.

(4) Paragraphs (1) and (4) of Article 55 shall apply in relation to an adoption order made under a statutory provision at any time before the commencement date as they apply in relation to an adoption order made under this Order.

3. Any register, or index to a register, kept under the Adoption Act (Northern Ireland) 1967, or any register or index deemed to be part of such a register, shall be deemed to be part of the register kept under Article 50.

4.—(1) Article 40—

(1) 1967 c. 35 (N.I.)

(2) 1950 c. 6 (N.I.)

- (a) does not apply to an existing instrument or statutory provision in so far as it contains a disposition of property, and
 - (b) does not apply to any public general Act or Measure in its application to any disposition of property in an existing instrument or statutory provision.
- (2) Sections 18 and 19 of the Adoption Act (Northern Ireland) 1967⁽³⁾, and provisions containing references to those sections shall continue to apply in relation to dispositions of property effected by existing instruments notwithstanding the repeal of those sections and such provisions.
- (3) Article 46 shall apply in relation to this paragraph as if it were contained in Part V.
5. The reference in Article 58(1) to an order under Article 57 includes an order under section 38 of the Adoption Act (Northern Ireland) 1967.
6. The provisions of this Schedule shall have effect without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954⁽⁴⁾.
7. In this Schedule “commencement date” for the purpose of any provision of this Schedule, means the day appointed under Article 1(2) for the coming into operation of that provision.

SCHEDULE 4

Article 72(2)

AMENDMENTS

Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965 (c. 18)

1. In section 9(2) for “, a step-child or an adopted child” substitute “or a step-child”.

Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

2. At the end of section 10(2) insert—
“; or
(e) a child who is placed with a person by an adoption agency within the meaning of the Adoption (Northern Ireland) Order 1987 with a view to his adoption by that person”.
3. In section 100(1)(d) for “section 14 of the Adoption Act (Northern Ireland) 1967” substitute “Article 35 of the Adoption (Northern Ireland) Order 1987”.
4. In section 151(1) for “the Adoption Act (Northern Ireland) 1967” substitute “the Adoption (Northern Ireland) Order 1987”.
5. In section 165—
 - (a) in subsection (1) for “Part II of the Adoption Act (Northern Ireland) 1967” substitute “Part IV of the Adoption (Northern Ireland) Order 1987”;
 - (b) in subsection (3) for “Act of 1967” substitute “Order of 1987”.

Adoption (Hague Convention) Act (Northern Ireland) 1969 (c. 22)

6. For sections 1 to 3 substitute—

⁽³⁾ 1967 c. 35 (N.I.)

⁽⁴⁾ 1954 c. 33 (N.I.)

“1 Convention adoption orders.

(1) An adoption order shall be made as a convention adoption order if the application is for a convention adoption order and the following conditions are satisfied both at the time of the application and when the order is made.

(2) The child—

- (a) must be a United Kingdom national or a national of a convention country, and
- (b) must reside in British territory or a convention country.

(3) The applicant or applicants and the child must not all be United Kingdom nationals living in British territory.

(4) If the application is by a married couple, either—

- (a) each must be a United Kingdom national or a national of a convention country, and both must reside in Northern Ireland, or
- (b) both must be United Kingdom nationals, and each must reside in British territory or a convention country,

and if the applicants are nationals of the same convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.

(5) If the application is by one person, either—

- (a) he must be a national of a convention country, and must reside in Northern Ireland, or
- (b) he must be a United Kingdom national, and must reside in British territory or a convention country,

and if he is a national of a convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.

(6) If the child is not a United Kingdom national the order shall not be made—

- (a) except in accordance with the provisions, if any, relating to consents and consultations of the internal law relating to adoption of the convention country of which the child is a national, and
- (b) unless the court is satisfied that each person who consents to the order in accordance with that internal law does so with full understanding of what is involved.

(7) The reference to consents and consultations in subsection (6) does not include a reference to consent by and consultation with the applicant and members of the applicant’s family (including his or her spouse), and for the purposes of subsection (6) consents may be proved in the manner prescribed by rules and the court shall be treated as the authority by whom, under the law mentioned in subsection (6), consents may be dispensed with and the adoption in question may be effected; and where the provisions there mentioned require the attendance before that authority of any person who does not reside in Northern Ireland, that requirement shall be treated as satisfied for the purposes of subsection (6) if—

- (a) that person has been given a reasonable opportunity of communicating his opinion on the adoption in question to the proper officer or clerk of the court, or to an appropriate authority of the country in question, for transmission to the court; and
- (b) where he has availed himself of that opportunity, his opinion has been transmitted to the court.

(8) In subsections (4) and (5) “specified provision” means a provision specified in an order under section 17(8) of the Adoption Act 1976 as one notified to the Government

of the United Kingdom in pursuance of the provisions of the Convention which relate to prohibitions on an adoption contained in the national law of the convention country in question.

2 Application of Order of 1987 to convention adoption orders.

2. The Order of 1987 shall have effect in relation to an adoption order to be made as a convention adoption order subject to the following modifications—

- (a) in Article 14(2) (adoption by married couples), at the end there shall be added “or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with”;
- (b) in Article 15(2) (adoption by one person), at the end there shall be added “or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with”;
- (c) in Article 16(2) (parental agreement) at the end there shall be inserted—

“(2A) Paragraph (1) does not apply in any case where the child is not a United Kingdom national and the application for the adoption order is for a convention adoption order.”.

7. In section 5(1) for “or a specified country having power under the law of that country” substitute “or any British territory other than Northern Ireland having power under the law of that country or territory”.

8. In section 8—

- (a) in subsection (1) for “section 24 of the Act of 1967” substitute “Article 51 of the Order of 1987”;
- (b) in subsection (2) for “Schedule 1 to the Act of 1967” substitute “Schedule 2 to the Order of 1987” and for “Schedule 1” substitute “Schedule 2”.

9. In section 9(3) for “6” substitute “1 or 6”.

10. In section 12—

- (a) insert the following definitions—

“adoption order” means an order under Article 12(1) of the Order of 1987;

“British territory” means, for the purposes of any provision of this Act, any of the following countries, that is to say, Northern Ireland, Great Britain, the Channel Islands, the Isle of Man and a colony, which is a British territory for the purposes of any corresponding provision of the Adoption Act 1976;

“convention adoption order” means an adoption order made in accordance with section 1(1);

“the Order of 1987” means the Adoption (Northern Ireland) Order 1987;

“specified order” means any provision for the adoption of a child effected under enactments similar to Article 12(1) of the Order of 1987 and section 1 of this Act in force in Great Britain or any British territory outside the United Kingdom;

- (b) in the definition of “convention country” for the words from “(excluding” to “1968” substitute “outside British territory, being a country for the time being designated by an order made under section 72(1) of the Adoption Act 1976”.

Health and Personal Social Services (Northern Ireland) Order 1972 (1972 NI 14)

11. After Article 17(1)(c) insert—

“(cc) exercise the functions (including functions imposed under an order of any court) conferred on them by the Adoption (Northern Ireland) Order 1987”.

12. After Article 87(2) insert—

“(2A) There shall be paid by the Department to the Health and Social Services Boards such sums as may be necessary to defray the expenditure of those Boards in connection with the exercise of their functions under the Adoption (Northern Ireland) Order 1987.”.

Births and Deaths Registration (Northern Ireland) Order 1976 (1976 NI 14)

13. In Article 2(2) insert the following definitions at the appropriate points in alphabetical order—

““father”, in relation to an adopted child, means the child’s natural father,”

““mother”, in relation to an adopted child, means the child’s natural mother;”.

14. In Article 37(1) for “section 25 of the Adoption Act (Northern Ireland) 1967” substitute “Article 52(1)(a) of the Adoption (Northern Ireland) Order 1987” and for “section 23 of that Act” substitute “Article 50 of that Order”.

Family Law Reform (Northern Ireland) Order 1977 (1977 NI 17)

15. In Article 4(7) for “sections 18 and 19 of the Adoption Act (Northern Ireland) 1967” substitute “Articles 42, 43 and 46 of the Adoption (Northern Ireland) Order 1987”.

Housing (Northern Ireland) Order 1981 (1981 NI 3)

16. In Article 2(5) for “any illegitimate son or daughter, and any adopted son or daughter,” substitute “and any illegitimate son or daughter”.

Child Absuction (Northern Ireland) Order 1985 (1985 NI 17)

17. In the Schedule—

(a) after paragraph 2(1)(b) add “or

(c) Article 35 of the Adoption (Northern Ireland) Order 1987.”;

(b) in paragraph 3—

(i) for sub-paragraph (1)(a) substitute—

“(a) who is the subject of an order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 freeing him for adoption; or

(aa) who is the subject of a pending application for such an order; or

(aaa) who is the subject of a pending application for an adoption order; or”;

(ii) in sub-paragraph (1)(b) after “under” insert “Article 57 of the Adoption (Northern Ireland) Order 1987 or”;

(iii) for sub-paragraph (2)(a)(i) substitute—

“(i) in a case within sub-paragraph (1)(a), to the consent of the adoption agency which made the application for the order or, if the parental rights and duties in respect of the child have been transferred from that agency to another agency by an order under Article 21 of the Adoption (Northern Ireland) Order 1987, to the consent of that other agency;

(ia) in a case within sub-paragraph (1)(aa) or (aaa), to the leave of the court to which the application was made; and”;

(iv) for sub-paragraph (3) substitute—

“(3) In this paragraph—

- (a) “adoption agency” has the same meaning as in Article 3 of the Adoption (Northern Ireland) Order 1987; and
- (b) “adoption order” means an order under Article 12(1) of that Order.”.

SCHEDULE 5

Article 72(3).

REPEALS

PART I

STATUS OF ADOPTED CHILD

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1951 c. 20.	Judicial Pensions Act (Northern Ireland) 1951.	Section 22(3).
1955 c. 18.	Army Act 1955.	In section 150(5), in the paragraph relating to a child of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
1955 c. 19.	Air Force Act 1955.	In section 150(5), in the paragraph relating to a child of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
1959 c. 25.	County Courts Act (Northern Ireland) 1959	Section 135(3).
1960 c. 2.	Residents Magistrates' Pensions Act (Northern Ireland) 1960.	Section 22(2).
1961 c. 52.	Army and Air Force Act 1961.	In section 29(1) the words repealed above in the Army Act 1955 and the Air Force Act 1955.
1967 c. 35.	Adoption Act (Northern Ireland) 1967.	Sections 16, 17(1) to (3), 18 and 19. In section 37(1) the words “whether in law or in fact”).

Status: This is the original version (as it was originally made).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In section 46(1), in the definition of “relative” paragraph (a).
1968 c. 34.	Children and Young Persons Act (Northern Ireland) 1968.	In section 180(1), in the definition of “parent” paragraph (b), and in the definition of “relative” paragraph (a).
1969 c. 22.	Adoption (Hague Convention) Act (Northern Ireland) 1969.	Sections 4(1) and (2) and 10(2), (3) and (4).
1971 c. 7.	Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.	In section 19(1)(a)(ii) the words “adoted child”.
1971 c. 35.	Pensions (Increase) Act (Northern Ireland) 1971.	In section 3(7) the words from “and includes also” onwards.
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	In section 4(5) the words from “and in its application” onwards.
1975 c. 15.	Social Security (Northern Ireland) Act 1975.	In section 32(3)(c) the words “the same relationship by adoption and to include also”. In section 71(6) the words “and a parent by adoption”. In section 151(2) the words “a son or daughter by adoption and”.
1975 NI 16.	Child Benefit (Northern Ireland) Order 1975.	In Schedule 17, in the definition of “relative” the words “or adoption”. Article 2(4) (c).
1976 NI 14.	Births and Deaths Registration (Northern Ireland) Order 1976.	In Article 2(2), in the definition of “relative”, the words from “and, in relation” onwards.
1977 NI 15.	Criminal Injuries (Compensation) (Northern Ireland) Order 1977.	In Article 2, in paragraph (4) (a) the words “adopted person”, and paragraphs (4)(c), (5) and (6).
1977 NI 18.	Fatal Accidents (Northern Ireland) Order 1977.	Article 2(3)(a) and (4).
1978 NI 15.	Matrimonial Causes (Northern Ireland) Order 1978.	IN Article 2(2), the definition of “adopted”, and in the

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		definition of “child” the words “or adopted”.
1979 NI 8.	Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979.	In Article 2(2) the definition of “adopted”, and in the definition of “child” the words “or adopted”.
1979 NI 13.	Industrial Assurance (Northern Ireland) Order 1979.	Article 2(5) and (6).
1980 NI 5.	Domestic Proceedings (Northern Ireland) Order 1979.	In Article 2(2) the definition of “adopted”, and in the definition of “child” the words “or adopted”.
1981 c. 20.	Judicial Pensions Act 1981.	In section 18(1)(ii) the words “and of children adopted by him during the marriage”.
1981 NI 3.	Housing (Northern Ireland) Order 1981.	In Article 145(3)(c) the word “, adopted”.
1985 NI 12.	Credit Unions (Northern Ireland) Order 1985	In Article 2(2), in the definition of “member of the family” sub-paragraph (I).
1986 NI 6.	Companies (Northern Ireland) Order 1986.	In Article 335(2)(a) the words “and adopted son” and the words “and adopted daughter”. In Article 336(8) the words “and adopted son” and the words “and adopted daughter”.

The repeals of sections 18 and 19 of the Adoption Act (Northern Ireland) 1967, and of provisions containing references to those sections, have effect subject to paragraph 4(2) of Schedule 3, and the other repeals in this Part have effect as respects things done, or events occurring, after the day appointed under Article 1(2) for the coming into operation of Part V.

PART II

OTHER PROVISIONS

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1961 c. 5.	Legitimacy Act (Northern Ireland) 1961	Section 3.
1967 c. 35.	Adoption Act (Northern Ireland) 1967.	The Whole Act so far as unrepealed.
1968 c. 34.	Children and Young Persons Act (Northern Ireland) 1968.	In section 1, in subsection (1) the words “(whether with a view to adoption or not)”, in subsection (2) the words

Status: This is the original version (as it was originally made).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>“and whether with a view to adoption or not” and in subsection (4) the words from “whether a notice” to “case” in the second place where it occurs.</p> <p>In section 4, in subsection (1) the words from “(a)” to “other case” and the words “county court rules or, as the case may be” and in subsection (2) the words “to a county court under paragraph (a), or” and the words “paragraph (b), of”. Section 17(6)(b). Section 128(8).</p> <p>In section 167 the words “or the Adoption Act (Northern Ireland) 1967”.</p> <p>In section 169 the words “or any matter connected with the adoption of children”.</p> <p>In Schedule 7, paragraphs 42 and 50.</p>
1969 c. 22.	Adoption (Hague Convention) Act (Northern Ireland) 1969.	<p>In section 11, in subsection (1) the words “or under Part I of the Act of 1967 in its application to convention adoption orders and proposed convention adoption orders” and the words “or the said Part I” in both places where they occur and in subsection (2)(b) the words “within the meaning of this Act” and the words “within the meaning of the Act of 1967”.</p> <p>In section 12 the definitions of “the Act of 1967”, “convention adoption order”, “qualified infant”, “qualified person”, “qualified spouses” “specified country” and “specified order”.</p>
1972 NI 14.	Health and Personal Social Services (Northern Ireland) Order 1972.	<p>In Article 17(1)(c) the words “ the Adoption Act (Northern Ireland) 1967 and”.</p>

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Article 72 the words “and the Adoption Act (Northern Ireland) 1967”.
		In Article 73(1) the words “and the Adoption Act (Northern Ireland) 1967”.
		In Article 87(2) the words “and the Adoption Act (Northern Ireland) 1967”.
		In Schedule 16, in Part I, paragraph 1, and in paragraph 11 the words “or the Adoption Act (Northern Ireland) 1967”.