
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 4

Amendments: Children and Families

Adoption

30.—(1) The Adoption (Northern Ireland) Order 1987 is amended as follows.

(2) In Article 2(1) (interpretation), after paragraph (5) insert—

“(6) In this Order “a couple” means—

- (a) a married couple,
- (b) two people who are civil partners of each other, or
- (c) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship.

(7) Paragraph (6)(c) does not include two people one of whom is the other’s parent, grandparent, sister, brother, aunt or uncle.

(8) References to relationships in paragraph (7)—

- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for adoption, and
- (b) include the relationship of a child with the child’s adoptive, or former adoptive, parents,

but do not include any other adoptive relationships.”.

(3) In Article 13(3)(2) (adoption order not to be made in absence of opportunities to see child in home environment with adopters), in the words before paragraph (a) omit “married”.

(4) In Article 14(3) (requirement that there be sole applicant for adoption order except in the case of application by a married couple)—

- (a) in the heading omit “married”,
- (b) in paragraph (2), for “married couple where both the husband and the wife” substitute “couple where both of them”,
- (c) in paragraph (3)—
 - (i) omit “married”,

(1) In Article 2, paragraphs (4) and (5) were inserted by paragraph 139 of Schedule 9 to *S.I. 1995/755 (N.I. 2)*.

(2) Article 13(3) was amended by Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1994 (*S.I. 1994/429 (N.I. 2)*) and by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (*c.1 (N.I.)*).

(3) Article 14 was substituted by paragraph 141 of Schedule 9 to the Children (Northern Ireland) Order 1995.

- (ii) in sub-paragraph (a), for “the husband or the wife” substitute “one of the couple”, and
 - (iii) in sub-paragraph (b), for “his or her spouse” substitute “the other”, and
 - (d) in paragraph (4) omit “married”.
- (5) In Article 15(1)(4) (conditions for sole application for adoption order), after sub-paragraph (b) insert—
- “, or
- (c) is a civil partner and the court is satisfied—
 - (i) the person’s civil partner cannot be found, or
 - (ii) the civil partners have separated and are living apart, and the separation is likely to be permanent, or
 - (iii) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order, or
 - (d) the court is satisfied—
 - (i) the person, and a parent of the child, are a couple, and
 - (ii) the person is not the child’s parent.”.
- (6) In Article 17(2) (applications for freeing orders where mother’s spouse is not a parent of the child), after “spouse” insert “or civil partner”.
- (7) In Article 20(3)(5) (effect of revoking a freeing order)—
- (a) in sub-paragraph (b)(ii), after “married to” insert “, or civil partners of,”, and
 - (b) in sub-paragraph (c)(ii), for “7(1)” substitute “7”.
- (8) In Article 40 (status conferred by adoption)—
- (a) in paragraph (1), after sub-paragraph (a) insert—
 - “(aa) where the adopters are two people who are civil partners of each other, as if the child had been born as a child of the civil partnership (whether or not the child was in fact born after the formation of the civil partnership);”,
 - (b) in paragraph (1)(b), before “adopter”, in both places it occurs, insert “adopters or”,
 - (c) after paragraph (5) insert—
 - “(5A) But paragraph (1)(aa) applies only as from 13th January 2020, even in the case of an adoption before that date.”, and
 - (d) after paragraph (6) insert—
 - “(7) For the purposes of the application of paragraph (6) in a case within paragraph (1) (aa), the reference in paragraph (6)(b) to the commencement of this Part is to be read as a reference to 12th January 2020.”.
- (9) In Article 41 (adoptive relatives)—
- (a) the existing provision becomes paragraph (1) of Article 41;
 - (b) after that provision insert—
 - “(2) A reference (however expressed) to the adoptive mother and father of a child adopted by—
 - (a) a couple of the same sex, or
 - (b) a partner of the child’s parent, where the couple are of the same sex,

(4) Article 15(1)(a) was amended by section 203(4) of the Civil Partnership Act 2004.

(5) Article 20(3) was inserted by paragraph 146 of Schedule 9 to the Children (Northern Ireland) Order 1995.

is to be read as a reference to the child’s adoptive parents.”.

(10) In Article 42(5) (interpretation of property dispositions: adoption when 55 or over), for “as the child of her spouse (if any)” substitute “(if she does so as one of a couple) as the child of the other one of the couple”.

(11) The amendment made by paragraph (10) applies only in relation to dispositions of property effected on or after 13th January 2020.

(12) In Article 55(1) (person legitimated following adoption by just one parent), after “marriage of” insert “, or formation of a civil partnership by,”.

Commencement Information

I1 Reg. 30 in force at 13.1.2020, see [reg. 1\(2\)](#)

I2 Reg. 29 in force at 13.1.2020, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, Section 30.