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# Adoption (Intercountry Aspects) (Northern Ireland) 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Implementation of Convention - Sections 1 and 2*

##### *Section 1 - Regulations giving effect to Convention*

10. **Section 1** enables the Department of Health, Social Services and Public Safety to make regulations to give effect in Northern Ireland to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29 May 1993 (the Hague Convention).
11. The Regulations may apply and modify any provision of the enactments relating to adoption and create criminal offences for the purpose of implementing the Convention. The Regulations will be subject to negative resolution.

##### *Section 2 - Central Authority and accredited bodies*

12. **Section 2**, subsection (1) provides, for the purposes of Article 6 of the Convention, for the functions under the Convention of a Central Authority to be discharged in Northern Ireland by the Department of Health, Social Services and Public Safety. A Central Authority is the body within a political boundary or country which is responsible for implementing the Convention. The duties of Central Authorities are addressed under Articles 7 to 22 of the Convention.
13. Subsection (2) provides that the Central Authority for England may act as the focal point for any communication relating to the Convention.
14. Subsection (3) provides that adoption societies registered under the 1987 Order to provide Convention adoption services will automatically be accredited for the purposes of the Convention. HSS Trusts, as public authorities, will have responsibility for providing a Convention adoption service. They will not require accreditation.
15. Subsection (4) provides that the functions set out under Article 9(a) to (c) of the Convention are to be discharged by Boards, HSS Trusts and accredited bodies on behalf of the Central Authority.

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16. Subsection (5) defines the term “registered adoption society” as having the same meaning as in the 1987 Order. (The amendments to Article 4 of the 1987 Order contained in section 8 below allow for two types of registration, depending on whether the registered adoption society is permitted to act in relation to intercountry adoptions).