
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART IV

CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

Protected children

Meaning of “protected child”

33.—(1) Where a person gives notice in pursuance of Article 22(1) to the ^{F1}... [^{F2}HSC trust] within whose area he lives of his intention to apply for an adoption order in respect of a child, the child is for the purposes of this Part a protected child while he has his home with that person.

[^{F3}(1A) A child shall be deemed to be a protected child for the purposes of this Part if he is a protected child within the meaning of—

- (a) section 32 of the Adoption Act 1976; ^{F4} . . .
- (b) ^{F4}]

(2) A child is not a protected child by reason of any such notice as is mentioned in paragraph (1) while—

- (a) he is in the care of any person in—
 - [^{F3}(i) any school in which he is receiving full#time education;
 - (ii) any [^{F5} children's home in respect of which a person is registered under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003];
 - (iii) any hospital;
 - (iv) any home or institution not specified in heads (i) to (iii) but provided by the Secretary of State, a government department or a prescribed public body; or]
- (b) he is resident in a residential home for persons suffering from mental disorder within the meaning of Article 3(1) of the Mental Health (Northern Ireland) Order 1986^{F6}; or
- (c) he is liable to be detained or is subject to guardianship under that Order of 1986.

[^{F3}(2A) Paragraph (2)(a) shall be construed in accordance with Article 2(2) of the Children (Northern Ireland) Order 1995 (interpretation).]

[^{F3}(3) A protected child ceases to be a protected child—

- (a) on the grant or refusal of the application for an adoption order;
- (b) on the notification to the ^{F7}... [^{F2}HSC trust] for the area where the child has his home that the application for an adoption order has been withdrawn;

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- (c) in a case where no application is made for an adoption order, on the expiry of the period of two years from the giving of the notice;
- (d) on the making of a residence order, a care order or a supervision order under the Children (Northern Ireland) Order 1995 in respect of the child;
- (e) on the appointment of a guardian for him under that Order;
- (f) on his attaining the age of 18 years; or
- (g) on his marriage^{F8} or forming a civil partnership],

whichever first occurs.

(4) In paragraph (3)(d) the references to a care order and a supervision order do not include references to an interim care order or interim supervision order.]

F1	Words in art. 33(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. 114 ; S.R. 2022/102, art. 2(b)
F2	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
F3	1995 NI 2
F4	Art. 33(1A)(b) and preceding word repealed (15.7.2011) by Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), arts. 1(2), 2, Sch. 1 Pt. 3
F5	2003 NI 9
F6	1986 NI 4
F7	Words in art. 33(3)(b) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 114 ; S.R. 2022/102, art. 2(b)
F8	2004 c.33

Duty of [^{F9}HSC trusts] to secure well-being of protected children

34.—(1) Every ^{F10}... [^{F11}HSC trust] shall secure that protected children within its area are visited from time to time by officers of the ^{F10}... [^{F11}HSC trust], who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

(2) Any officer of [^{F12}an][^{F11}HSC trust] authorised to visit protected children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the ^{F13}... [^{F11}HSC trust] in which such children are to be or are being kept.

F9	Words in art. 34 heading substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 115(4) ; S.R. 2022/102, art. 2(b)
F10	Words in art. 34(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. 115(2) ; S.R. 2022/102, art. 2(b)
F11	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
F12	Word in art. 34(2) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 115(3)(a) ; S.R. 2022/102, art. 2(b)
F13	Words in art. 34(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. 115(3)(b) ; S.R. 2022/102, art. 2(b)

Art. 35 rep. with saving by 1995 NI 2

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Notices and information to be given to [F14HSC trusts]

36.—(1) Where a person[F15 with whom a protected child has his home] changes his permanent address he shall not less than 2 weeks before the change, or, if the change is made in an emergency, not later than 1 week after the change, serve a notice specifying the new address on the F16... [F17HSC trust] in whose area his permanent address is before the change, and if the new address is in the area of another F16... [F17HSC trust], the F16... [F17HSC trust] on whom the notice is served shall inform that other Board[F18 or [F17HSC trust]] and give it such of the following particulars as are known to it, that is to say—

- (a) the name, sex and date and place of birth of the child;
- (b) the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child was received.

(2) If a protected child dies, the person[F15 with whom he had his home] at his death shall within 48 hours serve notice of the child's death on the Board[F18 or [F17HSC trust]] .

F14 Words in art. 36 heading substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 116\(3\)](#); S.R. 2022/102, art. 2(b)

F15 1995 NI 2

F16 Words in art. 36 omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 116\(2\)](#); S.R. 2022/102, art. 2(b)

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

F18 1994 NI 2

Offences relating to protected children

37.—(1) A person shall be guilty of an offence if—

- (a) being required, under Article 36 to serve any notice or give any information, he fails to serve the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information;
- (b) he refuses to allow the visiting of a protected child by a duly authorised officer of [F19 an][F20HSC trust] or the inspection, under the power conferred by Article 34(2) of any premises;

Sub#para. (c) rep. by 1995 NI 2

(2) 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.

F19 Word in art. 37(1)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 117](#); S.R. 2022/102, art. 2(b)

F20 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

Miscellaneous provisions relating to protected children

Para. (1) rep. 1995 NI 2

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(2) A person who maintains a protected child shall be deemed for the purposes of the Life Assurance Act 1774^{F21} as extended by the Life Insurance (Ireland) Act 1866^{F22} to have no interest in the life of the child.

Para. (3) rep. 1995 NI 2

F21 [1774 c. 48](#)

F22 [1866 c. 42](#)

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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\(a\)](#)