

SCHEDULE 2

Regulation 3

Application of Adoption (Northern Ireland) Order 1987 Provisions
with Modifications to Parental Orders and Applications for such Orders

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Provisions of the 1987 Order	Modifications
Article 2(1) to (2D) and (4) (interpretation)	<ul style="list-style-type: none"> (i) As if in Article 2(1) the words “Article 1 and” were omitted; (ii) as if in Article 2(2) for the definition of “adoption rules” there were substituted ““rules” means rules of court, county court rules or rules made under Article 12 of the Family Law (Northern Ireland) Order 1993;”; (iii) as if in Article 2(2) for the definition of “authorised court” there were substituted ““authorised court” means— <ul style="list-style-type: none"> (a) in the case of an application for a parental order— <ul style="list-style-type: none"> (i) the High Court; (ii) the county court within whose division the child is; (b) in the case of an application under Article 30, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, the court in which that application is pending;”; (iv) as if in Article 2(2) for the definition of “existing” there were substituted ““existing” in relation to an instrument, means one passed or made at any time before the commencement of Part V;”; (v) as if in Article 2(2) for the definition of “HSS trust” there were substituted ““HSC trust” shall be construed in accordance with paragraph (2A);”; (vi) as if in Article 2(2) for the definition of “parent” there were substituted ““parent” except for the purposes of Articles 40(3) and 47(1) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, means, in relation to a child, any parent who has parental responsibility for the child under

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	the Children (Northern Ireland) Order 1995;”;
	(vii) as if in Article 2(2) after the definition of “parent” there were inserted ““the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010;”;
	(viii) as if in Article 2(2) for the definition of “parental responsibility” there were substituted ““parental responsibility” has the same meaning as in the Children (Northern Ireland) Order 1995;”;
	(ix) as if in Article 2(2) for the definition of “prescribed” there were substituted ““prescribed” in Article 54 means prescribed by regulations made by the Department of Finance and Personnel and elsewhere means prescribed by rules;”;
	(x) as if in Article 2(2) after the definition of “prescribed” there were inserted ““regional board” means the regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;
	(xi) as if in Article 2(2A) for “HSS trust” there were substituted “HSC trust” and for “Health and Social Services trust” there were substituted “Health and Social Care trust”;
	(xii) as if in Article 2(2B) for ““Health and Social Services trust”” there were substituted ““Health and Social Care trust””;
	(xiii) as if in Article 2(2C) for “HSS trust” there were substituted “HSC trust”; and
	(xiv) as if in Article 2(2D) for “a Health and Social Services Board” there were substituted “the regional board” and for “HSS trust” on each occasion they appear there were substituted “HSC trust”.
Article 9 (duty to promote the welfare of the child)	(i) As if for “the adoption of a child” there were substituted “the making of a parental order in respect of a child”;
	(ii) as if the words “or adoption agency” were omitted;
	(iii) as if for “most important” there were substituted “paramount”
	(iv) as if in Article 9(a)(i) for “adoption, or adoption by a particular person or

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	<p>persons,” there were substituted “the granting of such an order”; and</p> <p>(v) as if after Article 9(b) there were inserted</p> <ul style="list-style-type: none"><li data-bbox="948 488 1343 555">“(c) have regard to the child’s particular needs;<li data-bbox="948 562 1343 757">(d) have regard to the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become the subject of a parental order;<li data-bbox="948 763 1343 920">(e) have regard to the child’s age, sex, background and any of the child’s characteristics which the court considers relevant;<li data-bbox="948 927 1343 1122">(f) have regard to any harm (within the meaning of the Children (Northern Ireland) Order 1995) which the child has suffered or is at risk of suffering; and<li data-bbox="948 1128 1343 1323">(g) have regard to the relationship which the child has with relatives, and with any other person in relation to whom the court considers the relationship to be relevant. <p>(2) The court must always consider the whole range of powers available to it in the child’s case (whether under section 54 of the Human Fertilisation and Embryology Act 2008, under this Order as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, or the Children (Northern Ireland) Order 1995); and the court must not make an order under that section or under this Order as so applied, unless it considers that making the order would be better for the child than not doing so.</p> <p>(3) For the purposes of this Article—</p> <ul style="list-style-type: none"><li data-bbox="948 1809 1343 1899">(a) references to relationships are not confined to legal relationships; and<li data-bbox="948 1906 1343 2002">(b) references to a relative, in relation to a child, include the child’s mother and father.”.

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Article 12(1) to (4) (adoption orders)	<p>(i) As if for “an adoption order” on each occasion they appear, there were substituted “a parental order”; and</p> <p>(ii) as if in Article 12(1) for the words from “the adopters” to “application of the adopters” there were substituted</p> <p style="padding-left: 40px;">“(a) a husband and wife;</p> <p style="padding-left: 40px;">(b) civil partners of each other; or</p> <p style="padding-left: 40px;">(c) two persons who are living as partners in an enduring family relationship and are not within prohibited degrees of relationship in relation to each other,</p> <p style="padding-left: 40px;">and such an order may be made on their application by an authorised court”.</p>
Article 25(1) (restrictions on making adoption orders)	<p>(i) As if for “an adoption order” there were substituted “a parental order”; and</p> <p>(ii) as if for “a British adoption order” there were substituted “such an order”.</p>
Article 28(1) and (3) (restrictions on removal where adoption agreed or application made under Article 17(1) or 18(1))	<p>(i) As if for paragraph (1) of Article 28 there were substituted the following paragraph “(1) While an application for a parental order is pending a parent or guardian is not entitled, against the will of the person with whom the child has their home, to remove the child from the home of that person except with the leave of the court.”; and</p> <p>(ii) as if in Article 28(3) for “or (2)” there were substituted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.</p>
Article 30 (return of a child taken away in breach of Article 28 or 29)	<p>(i) As if for the words “Article 28 or 29” on each occasion they appear there were substituted “Article 28 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if for the words “section 27 or 28 of the Adoption Act 1976” on each occasion they appear there were substituted “section 36 or 37 of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;</p>

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	<ul style="list-style-type: none"> (iii) as if for the words “section 27 or 28 of the Adoption (Scotland) Act 1978” on each occasion they appear there were substituted “section 22 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”; (iv) as if in Article 30(3) and 30(4) after the words “under paragraph (1)” on each occasion they appear there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and (v) as if in Article 30(5) after the words “under paragraph (3)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 40(1)(a), (2), (3), (4) and (6) (status conferred by adoption)	<ul style="list-style-type: none"> (i) As if for the words “an adopted child” on each occasion they appear there were substituted “a child who is the subject of a parental order”; (ii) as if for Article 40(1)(a) there were substituted “as if he had been born as a child of the persons who obtained the parental order”; (iii) as if in Article 40(2) for the words from “subject to paragraphs (3)” to “or adopter” there were substituted “be treated in law as if he were not the child of any person other than the persons who obtained the parental order”; (iv) as if in Article 40(3)(a) for the words from “does not apply” to “for the purposes of” there were substituted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations does not apply so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made for the purposes of”; (v) as if in article 40(3) sub-paragraph (b) were omitted; (vi) as if in Article 40(6) for “adoption” there were substituted “parental order”; and (vii) as if in Article 40(6) the words “Subject to the provisions of this Part” and “, or

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	after the commencement of this Part, whichever is the later” were omitted.
Article 42 (rules of construction for instruments concerning property)	<p>(i) As if in Article 42(1) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if in Article 42(2) for “Article 40(1)” there were substituted “Article 40(1) (a) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(iii) as if in Article 42(2) for “of the adoptive parent or parents” there were substituted “of the persons who obtained the parental order”;</p> <p>(iv) as if in Article 42(2) for “adopted child” there were substituted “child who is the subject of the parental order”;</p> <p>(v) as if in Article 42(2)(a) for “adoption” there were substituted “the parental order”;</p> <p>(vi) as if in Article 42(2)(b) for “adopted” there were substituted “in respect of whom parental orders were made”;</p> <p>(vii) as if in Article 42(4) after “Article 40(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(viii) as if in Article 42(4) for “adoption” there were substituted “making of the parental order”;</p> <p>(ix) as if in Article 42(4) for “adopted child” there were substituted “child who is the subject of the parental order”;</p> <p>(x) as if in Article 42(5) for “adopt” there were substituted “obtain a parental order in respect of”; and</p> <p>(xi) as if in Article 42(5) after “Article 40” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.</p>
Article 44 (property devolving with peerages, etc.)	As if for the words “An adoption” on each occasion they appear there were substituted “The making of a parental order”.
Article 45 (protection of trustees and personal representatives)	As if in Article 45(1) for “adoption” there were substituted “parental order”.

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Article 46 (meaning of “disposition”)	As if for the words “this Part” each time they appear there were substituted “the application of Articles 40, 42, 44, 45 and 47 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 47(1) and (2) (miscellaneous enactments)	<p>(i) As if in Article 47(1) for “Article 40 does not apply” there were substituted “Article 40, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations, does not apply so as to prevent a child who is the subject of a parental order from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”;</p> <p>(ii) as if in Article 47(1) the words from “; but nothing in” to “(b) of that Order” were omitted; and</p> <p>(iii) as if in Article 47(2) for “Article 40” there were substituted “Article 40 as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.</p>
Article 50 (Adopted Children Register)	<p>(i) As if for the words “Adopted Children Register” on each occasion they appear there were substituted “Parental Order Register”;</p> <p>(ii) as if in Article 50(1)(a) for “adoption orders” there were substituted “parental orders”</p> <p>(iii) as if in Article 50(1)(c) for ““Adopted” pursuant to Article 51” there were substituted ““Re-registered by the Registrar General” pursuant to Article 51(4) as applied with modifications by the Parental Order Regulations”;</p> <p>(iv) as if in Article 50(2) for the words from “Every person shall” to “subject to the same terms” there were substituted— “The Registrar General shall—</p> <p>(a) at the request of any person, either permit the person to search the index of the Parental Order Register or cause a search of the index to be made on that person’s behalf; and</p> <p>(b) issue to any person on request a certified copy of any entry in the Parental Order Register,</p>

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	<p>in all respects, except as to the entitlement of any person to search that index, upon and subject to the same terms”;</p> <p>(v) as if in Article 50(3) after “Article 54” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(vi) as if in Article 50(3)(b) for “an adoption order” there were substituted “a parental order”; and</p> <p>(vii) as if Article 50(3)(c) were omitted.</p>
Article 51(1), (3), (4), (6) and (7) (registration of adoption orders)	<p>(i) As if in Article 51(1) for “adoption order” there were substituted “parental order”;</p> <p>(ii) as if in Article 51(1) for “Adopted Children Register” there were substituted “Parental Order Register”;</p> <p>(iii) as if in Article 51(1) after “Schedule 2” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(iv) as if in Article 51(1) the words “(subject to paragraph (2))” were omitted;</p> <p>(v) as if in Article 51(3) for “Adopted Children Register under the heading in column 2 of Schedule 2” there were substituted “Parental Order Register under the heading in column 2 of Schedule 2, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(vi) as if in Article 51(3) the word “and” in sub-paragraph (a) were omitted and sub-paragraph (b) were omitted;</p> <p>(vii) as if in Article 51(4) for the words from “application for an adoption order” to “time in force)” there were substituted “application for a parental order”;</p> <p>(viii) as if in Article 51(4) for “any adoption order” there were substituted “any parental order”;</p> <p>(ix) as if in Article 51(4) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;</p> <p>(x) as if in Article 51(6) for “an adoption order shall cause the adoption order” there were substituted “a parental order shall cause the order”;</p>

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	(xi) as if in Article 51(7) for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(xii) as if in Article 51(7) after “paragraph (6)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and
	(xiii) as if in Article 51(7) the words “or the country in which the child was previously adopted” and the words from “or the Adopted Children Register ” to “the case may be,” were omitted.
Article 52(1) to (4) and (6) (amendment of orders and rectification of Registers)	(i) As if for the words “Adopted Children Register” on each occasion they appear, except in Article 52(6), there were substituted “Parental Order Register”;
	(ii) as if for the words “an adoption order” on each occasion they appear there were substituted “a parental order”;
	(iii) as if in Article 52(1) for the words “adopted or of the adopted person” on each occasion they appear there were substituted “persons who obtained the parental order or of the person who is the subject of the parental order”
	(iv) as if in Article 52(1)(a) for “given to the adopted person” there were substituted “given to that child” and the words “ , or taken by him,” were omitted;
	(v) as if in Article 52(1)(b) for “Article 51(4) or (5)” there were substituted “Article 51(4) as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vi) as if in Article 52(2) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(vii) as if in Article 52(4) after “Article 50(2)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;
	(viii) as if in Article 52(6) after “Article 51(7)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”; and

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	(ix) as if in Article 52(6) the words “or an Adopted Children Register or any corresponding register of adoptions” were omitted.
Article 53(1) and (2) (registration of adoptions made outside Northern Ireland)	<p>(i) As if in Article 53(1) for “register of adoptions” there were substituted “register of parental orders”;</p> <p>(ii) as if in Article 53(1) for “an order has been made in that country authorising the adoption of a child” there were substituted “a parental order has been made in that country in respect of a child”;</p> <p>(iii) as if in Article 53(1) the words “or the Adopted Children Register” were omitted;</p> <p>(iv) as if in Article 53(1) for “Adopted” or “Re-adopted” as the case may require there were substituted “Re-registered”;</p> <p>(v) as if in Article 53(2) for “so marked” there were substituted “marked in accordance with paragraph (1) as applied with modifications by the Parental Order Regulations”; and</p> <p>(vi) as if in Article 53(2) for “, that an appeal against the order has been allowed or that the order has been revoked” there were substituted “or that an appeal against the order has been allowed”.</p>
Article 54(1), (2), (4) and (5) (disclosure of birth records of adopted children)	<p>(i) As if in Article 54(1) after “this Article” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p> <p>(ii) as if in Article 54(1) for “an adopted person” there were substituted “a person who is the subject of a parental order”;</p> <p>(iii) as if in Article 54(2) for “an adopted person under the age of 18 years” there were substituted “a person who is the subject of a parental order and who is under the age of 18 years”;</p> <p>(iv) as if in Article 54(4) for “an adopted person” there were substituted “a person who is the subject of a parental order”;</p> <p>(v) as if in Article 54(4)(a) after “paragraph (1)” there were inserted “as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”;</p>

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	(vi) as if in Article 54(4)(a) for “section 51 of the Adoption Act 1976” there were substituted “section 79 of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations”;
	(vii) as if in Article 54(4)(b) for “section 45 of the Adoption (Scotland) Act 1978” there were substituted “section 55 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”;
	(viii) as if in Article 54(5)(a) for “any Board or HSS trust” there were substituted “the regional board or any HSC trust”; and
	(ix) as if in Article 54(5)(a) the word “and” were omitted and as if Article 54(5)(b) were omitted.
Article 62(1) (evidence of agreement and consent)	(i) As if for the words “this Order” there were substituted the words “section 54 of the Human Fertilisation and Embryology Act 2008”; and
	(ii) as if the word “adoption” were omitted.
Article 63(1) and (2) (evidence of adoptions, etc.)	(i) As if in Article 63(1) for “Adopted Children Register” there were substituted “Parental Order Register”;
	(ii) as if in Article 63(1)(a) for “adoption” there were substituted “parental order”;
	(iii) as if in Article 63(1)(b) for “adopted person” there were substituted “person who is the subject of the parental order”; and
	(iv) as if in Article 63(2) for “section 50(2) of the Adoption Act 1976 or section 45(2) of the Adoption (Scotland) Act 1978” there were substituted “section 77(4) or (5) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations or section 56 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations”.
Article 64(3) (removal of proceedings and appeals)	(i) As if for the words from “Subject to paragraph (2)” to “under this Order” there were substituted “Without prejudice to Articles 61 and 65 of the County Courts

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	(Northern Ireland) Order 1980 any person aggrieved with a decision of a county court on an application made to it for a parental order or on an application made to it under Article 30, as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations”.
Article 65 (proceedings to be in private)	As if for “under Part III, Article 30 and Article 57” there were substituted “pursuant to section 54 of the Human Fertilisation and Embryology Act 2008”.
Article 66 (guardians ad litem)	<ul style="list-style-type: none"> (i) As if in Article 66(1) for “an adoption order or an order freeing a child for adoption or an order under Article 20 or 57” there were substituted “a parental order”; (ii) as if in Article 66(2)(a) the word “adoption” were omitted; and (iii) as if after Article 66(2)(a) there were inserted “(aa) shall be appointed from any panels of persons established by regulations made under Article 66 of the Adoption (Northern Ireland) Order 1987; and”.
Article 68 (regulations)	
Schedule 2 (form of entry in Adopted Children Register)	<ul style="list-style-type: none"> (i) As if for “Adopted Children Register” in the heading there were substituted “Parental Order Register”; (ii) as if for “adopter or adopters” in column 5 there were substituted “persons who obtained the parental order”; and (iii) as if for “adoption order” in column 6 there were substituted “parental order”.