

# Adoption Act (Northern Ireland) 1967

## 1967. Chapter 35

An Act to consolidate with amendments the enactments relating to the adoption of infants; to extend the power of the court to make adoption orders; to provide further for the protection of infants awaiting adoption; to provide for effect to be given to certain adoption orders made outside Northern Ireland; to facilitate the proof of adoption orders made in different parts of the United Kingdom; and for purposes connected with the matters aforesaid. [14th December 1967]

10&11Eliz.2,  
c. 30.

23&24Geo.5,  
c. 4.

**W**HEREAS, pursuant to the provisions of section 12 (2) (b) of the Northern Ireland Act 1962 the consent of the Lord Chief Justice has been obtained to the provisions of section 6 (3) (a) of this Act which confer certain powers on any officer of the Supreme Court appointed by the Lord Chief Justice for the purpose of the said section 6 (3) (a): AND WHEREAS the Clerk of the Parliaments has certified accordingly pursuant to section 1 of the Legislative Procedure Act (Northern Ireland) 1933 as applicable, by virtue of section 12 (4) of the Northern Ireland Act 1962, to the said section 12 (2) (b):

BE IT ENACTED by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### MAKING OF ADOPTION ORDERS

Power to  
make  
adoption  
orders.

1.—(1) Subject to the provisions of this Act the court may, upon an application made in the prescribed manner by a person—

- (a) domiciled anywhere in the United Kingdom, or in the Isle of Man or any of the Channel Islands, and resident in Northern Ireland; or
- (b) domiciled, but not ordinarily resident, in Northern Ireland;

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—cont.

make an order (in this Act referred to as to an adoption order) authorising the applicant to adopt an infant.

(2) An adoption order may be made on the application of two spouses authorising them jointly to adopt an infant; but an adoption order shall not in any other case be made authorising more than one person to adopt an infant.

(3) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(4) An adoption order may be made in respect of an infant who has already been the subject of an order authorising an adoption—

- (a) made under this Act or under the Adoption of Children Act (Northern Ireland) 1950 or under any enactment repealed by the said Act of 1950; or
- (b) made (whether before or after the commencement of this Act) anywhere in Great Britain, the Isle of Man or any of the Channel Islands.

(5) In relation to an application for an adoption order in respect of such an infant as is mentioned in subsection (4), the adopter or adopters under the previous or last previous order authorising an adoption shall be deemed to be the parent or parents of the infant for all the purposes of this Act.

(6) An adoption order shall not be made unless the infant resides in Northern Ireland.

2.—(1) An adoption order shall not be made in respect of an infant unless the applicant—

Age and sex  
of applicant.

- (a) is the mother or father of the infant; or
- (b) is a relative of the infant, and has attained the age of twenty-one years; or
- (c) has attained the age of twenty-five years.

(2) Notwithstanding anything in subsection (1) an adoption order shall not be made in respect of an infant on the joint application of two spouses unless—

- (a) one of the applicants is the mother or father of the infant;  
or

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— cont.

- (b) the condition set out in subsection (1) (b) or (c) is satisfied in the case of one of the applicants and the other of them has attained the age of twenty-one years.

(3) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

## Care and possession of infants before adoption, and notification of welfare authority.

3.—(1) Subject to the provisions of this section, an adoption order shall not be made in respect of any infant unless—

- (a) he has been continuously in the care and possession of the applicant in Northern Ireland for at least three consecutive months immediately preceding the date of the order (not counting any time before the date which appears to the court to be the date on which the infant attained the age of six weeks); and

(b) except where—

- (i) the applicant or one of the applicants is a parent of the infant; or  
(ii) the infant is, at the hearing of the application, over the upper limit of the compulsory school age;

the applicant has, during the period of care and possession referred to in paragraph (a) and at least three months before the date of the order, served notice in writing on the welfare authority within whose area he was then resident of his intention to apply for an adoption order in respect of the infant.

(2) In relation to an application for an adoption order by a person domiciled but not ordinarily resident in Northern Ireland subsection (1) (b) shall apply with the substitution of the word “living” for the word “resident”.

(3) Where an application for an adoption order is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Northern Ireland—

- (a) the provisions of subsection (1) (a) shall be deemed to be complied with if they are complied with in the case of one of the applicants and the applicants have been living together in Northern Ireland for at least one of the three months immediately preceding the date of the adoption order; and

- (b) the notice required by subsection (1) (b) (as modified by subsection (2)) may be given by either of the applicants.

4.—(1) Subject to section 5, an adoption order shall not be made—

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Consents.

(a) in any case, except with the consent of every person who is a parent or guardian of the infant;

(b) on the application of one of two spouses, except with the consent of the other spouse.

(2) The consent of any person to the making of an adoption order may be given either before or after an application has been made for the order and may be given—

(a) either generally in respect of the adoption of the infant or only in respect of the adoption of the infant by a specified person; and

(b) either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is to be brought up.

(3) Notwithstanding anything in subsection (2), the consent of the mother of an infant shall be of no effect for the purposes of this section if given earlier than six weeks after the birth of the infant.

(4) The reference in subsection (1) (a) to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of any of the following provisions of the Children and Young Persons Act (Northern Ireland) 1950, that is to say—

1950, c. 5.

(a) section 79, or paragraph 12 (1) of Schedule 4 (which relate to the exercise of parental rights in respect of children and young persons committed to the care of fit persons or ordered to be sent to training schools);

(b) section 83 (which applies to children in respect of whom a welfare authority have assumed parental rights by virtue of a parental rights order made under section 82 of that Act).

5.—(1) The court may dispense with any consent required by section 4 (1) (a) if it is satisfied that the person whose consent is to be dispensed with—

Power to  
dispense  
with  
consent.

(a) has abandoned, neglected or persistently ill-treated the infant; or

(b) cannot be found, or is incapable of giving his consent; or

(c) has persistently failed without reasonable cause to discharge the obligations of a parent or guardian of the infant; or

(d) is withholding his consent unreasonably; or

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—cont.

(e) in any other case is a person whose consent ought in the opinion of the court to be dispensed with;

and in considering whether the consent of any person should be dispensed with under this subsection, the welfare of the infant shall be the paramount consideration.

(2) Where a person who has given his consent to the making of an adoption order without knowing the identity of the applicant, subsequently withdraws his consent on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(3) The court may dispense with the consent of the spouse of an applicant for an adoption order if it is satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving his consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

Evidence of  
consent of  
parent or  
guardian.

6.—(1) Subject to subsection (2), where a parent or guardian of an infant does not attend in the proceedings on an application for an adoption order for the purpose of giving his consent to the making of the order—

(a) a document signifying his consent to the making of such an order shall be admissible as evidence of that consent whether the document is executed before or after the commencement of the proceedings; and

(b) where that document is attested as mentioned in subsection (3), it shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed.

(2) Without prejudice to section 4 (3), a document signifying the consent of the mother of an infant shall not be admissible under this section unless—

(a) the infant is at least six weeks old on the date of the execution of the document; and

(b) the document is attested on that date as mentioned in subsection (3).

(3) Any reference in this section to a document being attested as mentioned in this subsection is, if the document is executed in the United Kingdom, a reference to its being attested by either a justice of the peace or—

(a) if it is executed in Northern Ireland, an officer of a county court appointed for the purposes of section 142 of the

County Courts Act (Northern Ireland) 1959, or any officer of the Supreme Court appointed by the Lord Chief Justice for the purposes of attesting such a document;

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1959, c. 25.

- (b) if it is executed in England, an officer of a county court appointed for the purposes of section 87 of the County Courts Act 1959, or a justice's clerk within the meaning of section 21 of the Justices of the Peace Act 1949;
- (c) if it is executed in Scotland, the sheriff;

7 & 8 Eliz. 2,  
c. 22.  
12, 13 & 14  
Geo. 6, c. 101.

and if it is executed outside the United Kingdom, a reference to its being attested by a person of any such class as may be prescribed.

(4) For the purposes of this section a document purporting to be attested as mentioned in subsection (3) shall be deemed to be so attested, and to be executed and attested on the date and at the place specified in the document, unless the contrary is proved.

7.—(1) The court before making an adoption order shall be satisfied—

Function of  
court as to  
adoption  
order.

- (a) that every person whose consent is necessary under this Act, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;
- (b) that the order if made will be for the welfare of the infant, due consideration being given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction or such payments as are mentioned in section 35 (2).

(2) In determining whether an adoption order if made will be for the welfare of the infant, the court shall have regard (among other things) to the health of the applicant, and, in the case of an application by two spouses, to the health of both spouses.

(3) For the purposes of subsection (2) the health of any applicant for an adoption order shall, except where—

- (a) the infant has reached the upper limit of the compulsory school age at the hearing of the application; or
- (b) the applicant is the mother or father of the infant;

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—cont.

be evidenced by the certificate of a fully registered medical practitioner.

(4) The court in an adoption order may impose such terms and conditions as the court may think fit in the interests of the infant, and in particular may require the adopter by bond or otherwise to make for the infant such provision, if any, as in the opinion of the court is just and expedient.

Power to postpone determination of application for an adoption order.

8.—(1) Subject to the provisions of this section, the court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance, and education and supervision of the welfare of the infant and otherwise as the court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order, but subject to a like power on the part of the court to dispense with any such consent.

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of section 3.

(4) Where an interim order has been made giving the custody of an infant for a period of less than two years, the court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order as varied under this subsection shall not exceed two years.

(5) Where an interim order is in force in respect of any infant the applicant shall within the prescribed time and in accordance with Adoption Rules, apply to the court which made the interim order for—

- (a) the final determination of the application for an adoption order in respect of the infant; or
- (b) the discharge of the interim order.

(6) If the applicant fails to apply under subsection (5) it shall, subject to Adoption Rules, be the duty of the guardian ad litem to apply for the final determination of the application for an adoption order.

(7) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

9.—(1) Without prejudice to section 8 (5) and subject to subsection (2), an application for an adoption order may be made, in accordance with Adoption Rules, to the High Court or at the option of the applicant to any county court within the jurisdiction of which either the applicant or the infant resides at the date of that application.

PART I  
—(cont.).  
Jurisdiction  
and proce-  
dure.

(2) In relation to an applicant for an adoption order who is domiciled but not ordinarily resident in Northern Ireland, subsection (1) shall apply with the substitution of the word “lives” for the word “resides”.

10. Without prejudice to section 2 and section 7 of the County Court Appeals Act (Northern Ireland) 1964, any person aggrieved with a decision of a county court on an application made to it under this Part may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of the County Courts Act (Northern Ireland) 1959 and the appeal were brought under section 1 of the said Act of 1964.

Appeal by  
way of re-  
hearing  
from the  
county  
court.  
1964, c. 3.

## PART II

### SUPERVISION AND PROTECTION OF CHILDREN AWAITING ADOPTION

11.—(1) For the purposes of any application for an adoption order the court shall, subject to Adoption Rules, appoint—

Guardian  
ad litem.

- (a) the welfare authority in whose area the applicant resides, or an officer of that authority; or
- (b) some other person;

to be guardian ad litem of the infant concerned upon the hearing of the application.

(2) Subject to Adoption Rules, it shall be the duty of the guardian ad litem to safeguard the interests of the infant concerned.

12. Where notice of intention to apply for an adoption order in respect of an infant is served in accordance with section 3 and immediately before the service of that notice any of the provisions of Part I of the Children and Young Persons Act (Northern Ireland) 1950 applied in respect of the infant, those provisions shall continue to apply until the making of an adoption order or until those provisions cease to apply by virtue of section 1 of the said Act of 1950.

Protection  
of infants  
awaiting  
adoption.



PART II  
—cont.

Restriction on removal of infant from the care of an applicant for an adoption order.

13. Without prejudice to the powers of any welfare authority under Part I of the Children and Young Persons Act (Northern Ireland) 1950 and to section 14, while an application for an adoption order in respect of an infant is pending in any court—

(a) a parent or guardian of the infant who has signified his consent to the making of an adoption order in respect of the infant; or

(b) any person or body, other than a parent or guardian; shall not be entitled, except with the leave of that court, to remove the infant from the care and possession of the applicant, and in considering whether to grant or refuse such leave the court shall have regard to the welfare of the infant.

Death of applicant or unwillingness to continue with application.

14. While an application for an adoption order in respect of an infant is pending in any court and—

(a) the applicant dies, or, in the case of a joint application, one or both of the applicants die, the welfare authority; or

(b) the applicant becomes unwilling to retain the care and possession of the infant, the applicant or the welfare authority;

may apply to that court, and the court, if satisfied that it is in the interests of the infant, may make an order directing the removal of the infant to a place of safety until other arrangements can be made with respect to him or, as the case may require, until he can be restored to his parents or guardian.

Duty of welfare authority in respect of infant not adopted.

15. Without prejudice to the duty of a welfare authority under section 81 of the Children and Young Persons Act (Northern Ireland) 1950, where in respect of any infant—

(a) an application for an adoption order is not proceeded with; or

(b) an application for an adoption order is refused and an interim order is not made; or

(c) an application for the discharge of an interim order is granted;

it shall be the duty of the welfare authority in whose area the infant then is, if it appears to them that their intervention is necessary in the interests of the welfare of the infant, forthwith to receive the infant into their care under the said section 81.

## PART III

## EFFECTS OF ADOPTION ORDERS

16.—(1) Upon an adoption order being made—

(a) all rights, duties, obligations and liabilities of the parents or guardians of the adopted child in relation to the future

Rights and duties of parents and capacity to marry.

custody, maintenance, upbringing and education of the child (including all rights to appoint a guardian or to consent or give notice of dissent to marriage) shall be extinguished; and

PART III  
—cont.

- (b) all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the adopted child were a child born to the adopter in lawful wedlock;

and in respect of those matters the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the child and the adopted child shall stand to them in the same relation as to a lawful father and mother.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(4) Subsection (3) shall not (without prejudice to section 28 (2) of the Interpretation Act (Northern Ireland) 1954) affect any marriage solemnised before the commencement of this Act. 1954, c. 33.

(5) The references in this section to an adoption order include references to—

- (a) an order authorising an adoption made under the Adoption of Children Act (Northern Ireland) 1950, or any enactment repealed by that Act; and
- (b) an order authorising an adoption made (whether before or after the commencement of this Act) anywhere in Great Britain, the Isle of Man or any of the Channel Islands.

17.—(1) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the adopter is his mother and the mother is a single woman—

Affiliation  
orders, etc.

- (a) any affiliation order in force with respect to the infant; and

PART III  
—cont.

- (b) any agreement whereby the father of the infant has undertaken to make payments specifically for the benefit of the infant;

shall cease to have effect.

(2) Subsection (1) shall be without prejudice to the recovery of any arrears which are due under an affiliation order or an agreement mentioned in subsection (1) (b) at the date of the adoption order.

(3) After an adoption order has been made in respect of an infant who is illegitimate, no affiliation order shall be made after the commencement of this Act with respect to the infant unless the adoption order was made on the application of the mother of the infant alone.

(4) Where an adoption order is made in respect of an infant committed to the care of a fit person by an order in force under the Children and Young Persons Act (Northern Ireland) 1950, the last mentioned order shall cease to have effect.

(5) Where an adoption order is made in respect of an infant in respect of whom a parental rights order is in force under section 82 of the Children and Young Persons Act (Northern Ireland) 1950 (which empowers a welfare authority to apply for a parental rights order) the last mentioned order shall cease to have effect.

(6) Any reference in this section to an adoption order includes a reference to—

7 & 8 Eliz. 2,  
c. 5.

- (a) an order authorising an adoption made under the Adoption Act 1958 or any enactment of the Parliament of the United Kingdom for the time being in force; and
- (b) an order authorising an adoption made after the commencement of this Act in the Isle of Man or in any of the Channel Islands.

Intestacies,  
wills and  
settlements.

18.—(1) The provisions of this section and section 19 shall apply to the devolution of any property on the intestacy of a person who dies after the date of the commencement of this Act, or any disposition of property made, whether by instrument inter vivos or by will (including codicil), after that date.

(2) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any property (other than property which, under a disposition made before the date of the adoption order, is limited in tail or is subject to an entailed interest), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) In any disposition of property made, whether by instrument inter vivos or by will (including codicil) after the date of an adoption order—

PART III  
—cont.

- (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;
- (b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and
- (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(4) Where under any disposition any property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity, but the property or interest shall devolve in all respects as if this section had not been enacted.

(5) The references in this section to an adoption order include references to—

- (a) an order authorising an adoption made under the Adoption of Children Act (Northern Ireland) 1950, or under any enactment repealed by that Act; and
- (b) an order authorising an adoption made (whether before or after the commencement of this Act) anywhere in Great Britain, the Isle of Man or any of the Channel Islands.

19.—(1) For the purposes of the application of the statutes for the time being in force with respect to the devolution of any property on intestacy in accordance with the provisions of section 18, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or

Provisions  
supple-  
mentary to  
s. 18.

PART III  
—cont.

adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

- (a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;
- (b) in any other case, as brother or sister of the half-blood.

(2) For the purposes of section 18 (3), a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Notwithstanding anything in section 18, trustees or personal representatives may convey or distribute any property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution.

(4) Nothing in subsection (3) shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(5) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of section 18 in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.

(6) The references in this section to an adoption order shall be construed in accordance with section 18 (5).

(7) For the purposes of this section and section 18—

- (a) “convey” includes the making of any assurance of property or of any estate or interest therein by any instrument whatsoever except a will and “conveyance” shall be construed accordingly;
- (b) “disposition” includes both a conveyance and a devise, bequest or appointment of property contained in a will; and
- (c) “property” includes property of every description whether movable or immovable.

Extension of  
enactments  
referring to  
adoption.

20.—(1) Any provision (however expressed) in any enactment passed before the commencement of this Act under which a person adopted in pursuance of an adoption order is for any purpose treated as the child of the adopter, or any other relationship is

deduced by reference to such an order, shall have effect as respects anything done or any event occurring after the commencement of this Act—

PART III  
—cont.

- (a) if it extends only to adoptions in pursuance of orders made in the United Kingdom, as extending also to adoptions in pursuance of orders made, whether before or after the commencement of this Act, in the Isle of Man or in any of the Channel Islands;
- (b) if it extends only to adoptions in pursuance of orders made in Northern Ireland, as extending also to adoptions in pursuance of orders made, whether before or after the commencement of this Act, elsewhere in the United Kingdom or in the Isle of Man or in any of the Channel Islands.

(2) In this section “enactment” has the meaning assigned to it by section 1 (b) of the Interpretation Act (Northern Ireland) 1954.

21. It is hereby declared that any reference in section 7 of the Friendly Societies Act (Northern Ireland) 1957 (transfer of rights under certain insurance policies) to an adoption order includes a reference to an order authorising an adoption made (whether before or after the commencement of this Act) anywhere in Great Britain, the Isle of Man or any of the Channel Islands.

Friendly Societies, etc. 1957, c. 1.

22. Where a person adopted in pursuance of an order made, whether before or after the commencement of this Act, in Great Britain, the Isle of Man or in any of the Channel Islands has subsequently become a legitimated person, and the order is then revoked, the revocation shall not affect the operation of sections 18 and 19 in relation to an intestacy which occurred, or a disposition which was made, before the revocation.

Effects of revocation of certain adoption orders.

#### PART IV

##### REGISTRATION OF ADOPTION ORDERS

23.—(1) The Registrar General for Northern Ireland (in this Part referred to as “the Registrar General”) shall—

Adopted Children Register.

- (a) maintain at the General Register Office a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries;
- (b) cause an index of the Adopted Children Register to be made and kept in the General Register Office; and
- (c) keep such other registers and books, and make such entries therein, as may be necessary to record and make

PART IV  
—cont.

traceable the connection between any entry in the Register of Births which has been marked "Adopted" pursuant to the next following section or any enactment at the time in force, and any corresponding entry in the Adopted Children Register.

1967, c. 25.

(2) Every person shall be entitled to search the index mentioned in subsection (1) (b) and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable in Northern Ireland under the Births and Deaths Registration Act (Northern Ireland) 1967 in respect of searches in other indexes kept in the General Register Office and in respect of the supply from such Office of certified copies of entries in the certified copies of the Registers of Births and Deaths.

(3) The registers and books kept under subsection (1) (c) shall not be, nor shall any index thereof be, open to public inspection or search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from any such registers or books except under an order of any of the following courts, that is to say—

- (a) the High Court;
- (b) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates; and
- (c) any county court as may be prescribed.

(4) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall—

- (a) without any further or other proof of that entry, be received as evidence of the adoption to which it relates; and
- (b) where the entry contains a record of the date of the birth or the country or the district of the Superintendent Registrar and Registrar of Births and Deaths of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or district of that Superintendent Registrar or Registrar in all respects as if the copy were a certified copy of an entry in the Register of Births.

Registration  
of adoption  
orders.

24.—(1) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set out in Schedule 1, and (subject to subsection (2)) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

(2) For the purposes of compliance with the requirements of subsection (1)—

PART IV  
—cont.

- (a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;
- (b) where the country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Northern Ireland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register; and
- (c) the names to be specified in the order as the name and surname of the infant shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

(3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of Schedule 1 shall include—

- (a) in the case of an infant born in Northern Ireland, the district of the Superintendent Registrar and Registrar of Births and Deaths in which the birth took place; and
- (b) where the infant was born in Northern Ireland but the district of the Superintendent Registrar and Registrar of Births and Deaths in which the birth took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of subsection (2) (b) as born in Northern Ireland, he shall be treated for the purposes of this subsection as born in the district of the Superintendent Registrar and Registrar of Births and Deaths in which the court sits.

(4) Where upon any application for an adoption order in respect of an infant born in Northern Ireland (not being an infant who has previously been the subject of an adoption order under this Act or any enactment at the time in force) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Register of Births to be marked with the word "Adopted".



PART IV  
—cont.

(5) Where an adoption order is made in respect of an infant who has previously been the subject of an adoption order made under this Act or any enactment at the time in force, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".

(6) The prescribed officer of the court shall cause every adoption order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

(7) Where an adoption order is communicated to the Registrar General in accordance with subsection (6), and the country of birth of the infant or the country in which the infant was previously adopted is shown therein as being England or Wales, Scotland, the Isle of Man or any of the Channel Islands, the Registrar General shall cause a notification giving particulars of the entry to be marked and a statement that an adoption order has been granted in respect of the child, to be transmitted to the authority maintaining the Register of Births or the Adopted Children Register or any corresponding register of adoptions, as the case may be, in such country.

Amendment  
of orders and  
rectification  
of Registers.

25.—(1) The court by which an adoption order has been made may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein, and may—

- (a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name or names has or have been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name or names specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name or names in those particulars, as the case may require;
- (b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Register of Births or the Adopted Children Register included in the order in pursuance of section 24 (4) or (5) was wrongly so included, revoke that direction.

(2) Where an adoption order is amended or a direction revoked under subsection (1), the prescribed officer of the court shall cause the amendment to be communicated in the prescribed

manner to the Registrar General who shall as the case may require,— PART IV  
—cont.

(a) cause the entry in the Adopted Children Register to be amended accordingly; or

(b) cause the marking of the entry in the Register of Births or the Adopted Children Register to be cancelled.

(3) Where an adoption order is quashed or an appeal against an adoption order is allowed by any court the court shall give direction to the Registrar General to cancel any entry in the Adopted Children Register and any marking of an entry in that Register or the Register of Births which was effected in pursuance of the order.

(4) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to section 23 (2) shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(5) Without prejudice to the provisions of section 3 of the Legitimacy Act (Northern Ireland) 1961 (which provides for applications for the revocation of adoption orders and the cancellation of entries relating to that order in any registers upon the legitimation of any person) where, after an entry in the Register of Births has been marked with the word “Adopted”, the birth is re-registered under section 30 of the Births and Deaths Registration Act (Northern Ireland) 1967 (which provides for the re-registration of the birth of legitimated persons) the entry made on the re-registration shall be marked in the like manner. 1961, c. 5.

(6) Where the Registrar General has, in accordance with section 24 (7), caused a notification of any particulars to be transmitted to any authority maintaining a Register of Births or an Adopted Children Register or any corresponding register of adoptions in England and Wales, Scotland, the Isle of Man or any of the Channel Islands, and any of those particulars are amended, revoked or cancelled under this section, the Registrar General shall cause a notification of such amendment, revocation or cancellation to be transmitted to that authority.

26.—(1) Where the Registrar General is notified by the authority maintaining a register of adoptions in England and Wales, Scotland, the Isle of Man or any of the Channel Islands that an order has been made in that country authorising the Registration  
of adoptions  
made  
outside  
Northern  
Ireland.

PART IV  
—cont.

adoption of an infant to whom an entry in the Register of Births or the Adopted Children Register relates, he shall cause the entry to be marked with the word “Adopted” or “Re-adopted” as the case may require, followed by the name, in brackets of the country in which the order was made.

(2) Where, after an entry has been so marked, the Registrar General is notified as aforesaid that the order has been quashed, that an appeal against the order has been allowed or that the order has been revoked, he shall cause the marking to be cancelled; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this subsection, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) The preceding provisions of this section shall apply in relation to orders corresponding to orders under section 38 as they apply in relation to orders authorising the adoption of an infant; but any marking of an entry required by virtue of this subsection shall consist of the word “Provisionally” followed by the words mentioned in subsection (1).

(4) Without prejudice to subsections (2) and (3) where, after an entry in the Register of Births has been marked in accordance with this section the birth is re-registered under section 30 of the Births and Deaths Registration Act (Northern Ireland) 1967 (which provides for the re-registration of the births of legitimated persons), the entry made on the re-registration shall be marked in the like manner.

Evidence of  
Adoptions,  
etc.

27.—(1) Any document which under section 20 (2) or section 22 (2) of the Adoption Act 1958 or any corresponding enactment of the Parliament of the United Kingdom for the time being in force is receivable as evidence of any matter in any part of Great Britain shall also be so receivable in Northern Ireland.

1959, c. 18.

(2) In subsection (3) of section 1 of the Fatal Accidents Act (Northern Ireland) 1959 (definition and proof of adoption orders) the words from “and for the purpose” to the end of that subsection are hereby repealed.

Provision for  
regulations.

28. Regulations made under the Births and Deaths Registration Act (Northern Ireland) 1967 may make provision as to the duties to be performed by Superintendent Registrars and Registrars of Births and Deaths in the execution of this Part.

## PART V

## ADOPTION SOCIETIES

29.—(1) No body of persons, other than a welfare authority, shall make any arrangements for the adoption of an infant unless that body is a registered adoption society. Restriction on making arrangements for adoptions.

(2) If any person takes any part in the management or control of a body of persons which exists wholly or in part for the purpose of making arrangements for the adoption of infants, and which is not a registered adoption society or a welfare authority, he shall, on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or to both.

(3) In any proceedings under this section, proof of things done or of words written, spoken, or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of the body of persons, or in making arrangements for the adoption of infants on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

30.—(1) Subject to the following provisions of this Part, where application is made in the prescribed manner by or on behalf of an adoption society to the Ministry of Home Affairs (in this Act referred to as “the Ministry”), and there is furnished therewith the prescribed information relating to the activities of the society, the Ministry may, on payment by the society of such fee as may be prescribed, register the Society under this Part. Registration of adoption societies.

(2) The Ministry shall not register an adoption society under this Part unless the Ministry is satisfied, by such evidence as it may reasonably require, that the society is a charitable association.

(3) The Ministry may refuse to register an adoption society under this Part, if it appears to the Ministry—

- (a) that any person employed or proposed to be employed by the society for the purpose of making any arrangements for the adoption of infants on behalf of the society is not a fit and proper person to be so employed; or
- (b) that the number of competent persons employed or proposed to be employed by the society for the purpose aforesaid is, in the opinion of the Ministry, insufficient having regard to the extent of the activities of the society in connection with that purpose; or
- (c) that any person taking part in the management or control of the society or any member of the society has been convicted of an offence under this Part or Part II of the

PART V  
—cont.

Adoption of Children Act (Northern Ireland) 1950 or of a breach of any regulations made under this Part of this Act or under Part II of the said Act of 1950; or

(d) that in any other respect the society is not properly managed.

(4) The Ministry may at any time cancel the registration of an adoption society—

(a) on any ground which would entitle the Ministry to refuse an application for the registration of the society; or

(b) on the ground that the society is no longer a charitable association.

Procedure  
and right of  
appeal  
where  
registration  
refused or  
cancelled.

31.—(1) Where the Ministry proposes to refuse an application for registration made to it by or on behalf of an adoption society or to cancel the registration of an adoption society—

(a) the Ministry shall give to the society not less than one month's notice in writing of its intention so to do; and

(b) every such notice shall state the grounds on which the Ministry intends to refuse the application or to cancel the registration, as the case may be, and shall contain an intimation that, if within one month after the receipt of the notice, the society informs the Ministry in writing that it desires so to do, the Ministry shall, before refusing the application or cancelling the registration, as the case may be, give to the society an opportunity of causing representations to be made to the Ministry by or on behalf of the society.

(2) If the Ministry, after giving to the society an opportunity of causing such representations as aforesaid to be made, decides to refuse the application for registration or to cancel the registration, as the case may be, it shall give to the society notice in writing of its decision.

(3) Any adoption society aggrieved by the refusal of an application for registration, or by the cancellation of its registration, by the Ministry, may appeal to an Appeal Tribunal constituted under section 100 of the Children and Young Persons Act (Northern Ireland) 1950, and that Tribunal shall have power to determine any such appeal; and any such determination shall be final and conclusive.

(4) Where the registration of an adoption society is cancelled by the Ministry, the adoption society shall, for the purposes of this Act, be deemed to be registered under this Act during the period within which an appeal against the cancellation may be

brought under this section, and, if such an appeal is brought, until the determination or abandonment of the appeal.

PART V  
—cont.

32.—(1) The Ministry may make regulations—

Regulations.

- (a) for regulating the conduct of negotiations entered into by or on behalf of registered adoption societies with persons having the care and possession of infants who are desirous of causing the infants to be adopted, and in particular, for securing—
- (i) that, where the parent or guardian of an infant proposes to place the infant at the disposition of the society with a view to the infant being adopted, he shall be furnished with a memorandum in the prescribed form explaining, in ordinary language, the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect of the infant, and calling attention to the provisions of this Act, or of any rules made thereunder, relating to the consent of a parent or guardian to the making of such an order, and to the provisions of this Act relating to the sending or taking of infants abroad; and
  - (ii) that, before so placing the infant at the disposition of the society, the parent or guardian shall sign a document in the prescribed form certifying that he has read and understood the said memorandum;
- (b) for requiring that the case of every infant proposed to be delivered by or on behalf of a registered adoption society into the care and possession of an adopter shall be considered by a committee (to be called a “case committee”) appointed by the society for the purpose, and consisting of not less than three persons;
- (c) for prescribing, in respect of every such infant as aforesaid, the inquiries which must be made and the reports which must be obtained by the society in relation to the infant and the adopter for the purpose of ensuring, so far as may be, the suitability of the infant and the adopter respectively, and, in particular, for requiring that a report on the health of the infant signed by a fully registered medical practitioner must be obtained by the society;
- (d) for securing that no such infant shall be delivered into the care and possession of an adopter by or on behalf of the society until the adopter has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Northern Ireland in which the adopter intends that the

PART V  
—cont.

infant should reside permanently, and until the committee have considered the prescribed reports;

- (e) for requiring a registered adoption society to furnish to the Ministry the prescribed accounts and the prescribed information relating to the activities of the society;
- (f) for making provision for the care and supervision of infants who have been placed by their parents or guardians at the disposition of adoption societies;
- (g) for prescribing anything which by this Part is required or authorised to be prescribed.

(2) Any person who contravenes or fails to comply with the provisions of a regulation made under this section shall be liable on summary conviction to a fine not exceeding for a first offence twenty-five pounds, and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(3) All regulations made by the Ministry under any of the provisions of this Act shall be subject to negative resolution.

Inspection of books, etc., of registered adoption societies.

33.—(1) The Ministry may at any time give notice in writing to any registered adoption society which has been registered by the Ministry under this Part, or to any officer of such a society, requiring that society or officer to produce to the Ministry or an officer of the Ministry such books, accounts and other documents of the society relating to the adoption of infants, as the Ministry may consider necessary for the exercise of the powers conferred on it by section 30 (4); and any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by statutory declaration.

(2) Any person who fails to comply with the requirements of a notice under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both.

Provisions relating to arrangements made by registered adoption societies.

34.—(1) It shall not be lawful for a registered adoption society to place any infant for the adoption of whom arrangements are made by the society, in the care and possession of a person who proposes to adopt him if an adoption order in respect of the infant could not lawfully be made in favour of that person.

(2) Where an application for an adoption order in respect of the infant is refused by the court and an interim order is not made, the adopter shall within seven days of the date on which the application is so refused cause the infant to be returned to the society, and the society shall receive the infant accordingly.

(3) Any person who contravenes the provisions of this section shall be liable on summary conviction to imprisonment for a term

not exceeding six months or to a fine not exceeding one hundred pounds, or to both, and the court by which the offender is convicted may order any infant in respect of whom the offence is committed to be returned to his parents or guardian or to the registered adoption society, or to be placed in the care of the welfare authority.

PART V  
—cont.

(4) Where by virtue of the foregoing provisions of this section an infant is required to be returned by an adopter to, and received by, an adoption society, it shall be sufficient compliance with that requirement if the infant is delivered by the adopter to and received by a suitable person nominated for the purpose by the society.

## PART VI

### MISCELLANEOUS AND GENERAL

35.—(1) Except as otherwise provided in subsection (2), no person whatsoever shall give or agree to give or, whether directly or indirectly, to receive or agree to receive, any payment or reward whatsoever in consideration of or in connection with the adoption of any infant.

Restriction  
on payments  
in connection  
with  
adoptions.

(2) The following payments shall not be unlawful by virtue of the preceding subsection, that is to say:—

- (a) payments made or received by a welfare authority in connection with the adoption of an infant being payments in respect of expenses reasonably incurred by the authority in connection with the adoption of the infant;
- (b) payments the receipt or making of which is sanctioned by the court to which an application is made for an adoption order in respect of an infant, or pursuant to any agreement, whether entered into before or after the making of the application, with respect to the receipt or making of any such payments as may be so sanctioned;
- (c) payments made by or on behalf of a registered adoption society in respect of the maintenance of an infant who has been placed at the disposition of the society;
- (d) payments made to a registered adoption society by the parent or guardian of an infant or by any other person in respect of the maintenance of the infant so long as the infant is not in the care and possession of an adopter, being payments made weekly and at a rate not exceeding such rate as may be prescribed.

(3) Any person who contravenes the provisions of subsection (1) shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two



PART VI  
—cont.

hundred pounds, or to both and the court may order the infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

Restriction  
on advertise-  
ments.

36.—(1) It shall not be lawful for any advertisement to be published indicating that—

- (a) the parent or guardian of an infant desires to cause the infant to be adopted; or
- (b) a person desires to adopt an infant; or
- (c) any person (not being a registered adoption society or a welfare authority) is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published, or knowingly publishes, an advertisement in contravention of the provisions of this section shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Restriction  
on removal  
of infants  
for adoption  
abroad.

37.—(1) Except under the authority of an order under section 38, no person shall take or send an infant who is a British subject out of Northern Ireland to any place outside the British Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or a relative of the infant.

(2) Any person who takes or sends an infant out of Northern Ireland to any place in contravention of subsection (1), or makes or takes part in any arrangements for transferring the care and possession of an infant to any person for that purpose, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

(3) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official capacity of the person who appears to have signed any such report or deposition.

(4) In this section “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

38.—(1) If the court is satisfied, upon an application being made by a person who is not domiciled in Northern Ireland, that the applicant intends to adopt an infant under the law of or within the country in which he is domiciled, and for that purpose desires to remove the infant from Northern Ireland either immediately or after an interval, the court may, subject to the provisions of this section, make an order (in this section referred to as a provisional adoption order) authorising the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his adoption as aforesaid.

PART VI  
—cont.  
Provisional  
adoption by  
persons  
domiciled  
outside  
Northern  
Ireland.

(2) An application for a provisional adoption order may be made in the prescribed manner to the High Court or, at the option of the applicant, any county court within the jurisdiction of which either the applicant or the infant resides at the date of that application or, if the applicant is not ordinarily resident in Northern Ireland, any county court in the jurisdiction of which the applicant lives at the date of that application.

(3) Subject to subsection (4), a provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under Part I, but shall not be made in any other case.

(4) In relation to a provisional adoption order section 3 shall have effect as if for the word “three” where it occurs in subsection (1) there were substituted the word “six”.

(5) Subject to the provisions of this section, the provisions of this Act, other than this section and section 18 and section 19, shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, and references in those provisions to adoption, to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorised to be adopted under such an order shall be construed accordingly.

(6) Any provision in this Act, except section 18 and section 19, under which a person adopted in pursuance of an order authorising adoption is for any purpose treated as the child of the adopter, or any other relationship is deduced by reference to such an order, which by virtue of subsection (5) applies in relation to orders under this section, shall,—

(a) as respects anything done after the commencement of this Act, apply also in relation to orders similar to orders under this section, made (whether before or after the commencement of this Act) in Great Britain, the Isle of Man or any

PART VI  
—cont.

of the Channel Islands, and any such provision of this Act shall be construed accordingly; and

- (b) any such similar order made after the commencement of this Act shall also have the same effect as an adoption order for the purposes of section 7 (2) of the Friendly Societies Act (Northern Ireland) 1957 and section 17 of this Act.

(7) Any entry in the Register of Births or the Adopted Children Register which is required to be marked in consequence of the making of a provisional adoption order shall, in lieu of being marked with the word "Adopted" or "Re-adopted" be marked with the words "Provisionally adopted" or "Provisionally re-adopted", as the case may require.

Expenses of  
welfare  
authorities.

39. Any expenses incurred by a welfare authority for the purposes of this Act shall be defrayed in the manner provided by the Children and Young Persons Act (Northern Ireland) 1950 as if such expenses had been incurred by the authority for the purposes of that Act.

General  
Financial  
Provisions.

40. There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to any provision of this Act in any sums which fall to be so defrayed under the provisions of any other enactment; and
- (b) any other expenses incurred by the Ministry under this Act.

## Inspection.

41.—(1) The Ministry may from time to time appoint or designate officers or other persons to inspect and report to the Ministry concerning any institution, premises or other place whatsoever, wherein any infant is for the time being kept in respect of whom—

- (a) a notice of intention to adopt has been given under section 3 and an adoption order has not been made; or
- (b) an interim order under section 8 is in force.

(2) An officer or person so appointed or designated by the Ministry (on production if so required of his authority) may—

- (a) enter any institution, premises or place which by virtue of subsection (1) he is authorised or required to inspect; and
- (b) require the person having for the time being control or management of any place to be inspected to furnish such information as the officer or person so appointed or designated may reasonably require.

(3) The Ministry may pay to any officer or other person appointed or designated as aforesaid such sum by way of salary or fees and such sum for out-of-pocket expenses as with the approval of the Ministry of Finance may be determined by the Ministry.

PART VI  
—cont.

42.—(1) If a welfare authority makes default in the performance of any function conferred on it by this Act, the Ministry may make such arrangements for the due performance of that function as appear to the Ministry to be necessary or expedient.

Default powers of Ministry.

(2) Any expenses incurred in the making or carrying out of those arrangements shall, to such extent as they are not recovered by deduction from the amount of any grant payable by the Ministry to the authority by virtue of the Children and Young Persons Act (Northern Ireland) 1950, be recoverable by the Ministry as a civil debt due to it by the welfare authority.

43. For the purposes of this Act the Ministry may cause local or other inquiries to be held or investigations to be made.

Inquiries.

44. Any person who, being or having been—

(a) a member of, or of a committee of, a welfare authority or an adoption society; or

(b) employed by, or by a committee of, a welfare authority or an adoption society;

Prohibition of wrongful disclosure of information.

publishes or communicates whether directly or indirectly, otherwise than in the ordinary course of duty, to any person without lawful authority any information obtained in the course of his membership or employment relating to the adoption or intended or proposed adoption of any infant shall (without prejudice to any right of any such body to dismiss on the ground of misconduct such a person who makes such publication or communication while in their employment) be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding for a first offence ten pounds and for a second or subsequent offence fifty pounds.

45.—(1) Without prejudice to section 21 of the Interpretation Act (Northern Ireland) 1954—

Rules.

(a) rules of court may provide—

(i) for the hearing otherwise than in open court of any application or proceedings to which the rules relate;

(ii) for the transfer to the county court of any application which the court, having regard to any special circum-

PART VI  
—cont.

stances, thinks proper to be dealt with by the county court;

(b) county court rules may provide—

- (i) for the hearing otherwise than in open court of any applications and proceedings to which the rules relate;
- (ii) for the refusal of any application which the court, having regard to any special circumstances, thinks proper to be dealt with by the High Court;
- (iii) for the transfer to the Lord Chief Justice of any application made under section 38 which the court, having regard to any special circumstances, thinks proper to be dealt with by the Lord Chief Justice.

(2) The Lord Chief Justice may make rules with respect to any matter (not being a matter to be prescribed by Adoption Rules or by regulations) with respect to which it appears to him to be necessary or expedient to make rules for giving due effect to the provisions of this Act.

Interpreta-  
tion.

46.—(1) In this Act—

“adoption order” has the meaning assigned to it by section 1 (1);

“Adoption Rules” means rules of court and county court rules;

“adoption society” means a body of persons which performs, either as the whole or as part of its activities, the function of making arrangements for the adoption of infants;

“body of persons” means any body of persons, corporate or unincorporate;

“charitable association” means any body of persons not operating for gain, which exists for the purpose of promoting a charitable, benevolent or philanthropic object, whether or not the object is charitable within the meaning of any rule of law;

“compulsory school age” has the meaning assigned to it by section 116 (1) of the Education Act (Northern Ireland) 1947;

“county court rules” has the meaning assigned to it by section 21 (5) of the Interpretation Act (Northern Ireland) 1954;

“child protection visitor” means any person appointed by a welfare authority to be a child protection visitor for the purposes of section four of the Children and Young Persons Act (Northern Ireland) 1950, and includes any

person appointed under that section to exercise the powers of a child protection visitor; PART VI  
—cont.

“the court” means any court having jurisdiction to make orders under this Act;

“father” in relation to an illegitimate infant means the natural father;

“guardian” in relation to an infant, means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Act 1886, or by a court of competent jurisdiction, to be his guardian; 49 & 50 Vict.,  
c. 27.

“infant” means a person under the age of twenty-one years who has never been married;

“interim order” means an order made under section 8;

“place of safety” has the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950;

“prescribed” in sections 30, 32 and 35 means prescribed by regulations made by the Ministry, and elsewhere means prescribed by Adoption Rules or other rules made under section 45 (2) as the case may be;

“registered adoption society” means an adoption society registered under Part V;

“relative” in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the half-blood or by affinity, and includes—

(a) where an order authorising an adoption has been made in respect of the infant or any other person under this Act or the Adoption of Children Act (Northern Ireland) 1950 or any enactment repealed by that Act or has been made anywhere in Great Britain, the Isle of Man or any of the Channel Islands, any person who would be a relative of the infant within the meaning of this definition if the adopted child were the child of the adopter born in lawful wedlock;

(b) where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of its mother and father;

“rules of court” has the meaning assigned to it by section 21 (5) of the Interpretation Act (Northern Ireland) 1954.

(2) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of an infant or to take part in arrangements for the transfer of a child to the care or possession of another person, if (as the case may be)—

PART VI  
—cont.

- (a) he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise; or
- (b) he enters into or makes any agreement or arrangement for, or facilitates, the transfer of the child to the care or possession of that other person;

or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if he causes another so to do.

Repeal and  
transitional  
provisions.

47.—(1) Subject to paragraph 2 of Schedule 2 the Adoption of Children Act (Northern Ireland) 1950 is hereby repealed.

(2) This Act has effect subject to the transitional provisions set out in Schedule 2.

Commence-  
ment.

48.—(1) Subject to subsection (2), this Act shall come into operation on such date as may be appointed by an order made by the Minister of Home Affairs, and different dates may be appointed for the commencement of different provisions.

(2) This section and section 49 shall come into operation on the passing of this Act.

(3) Where an order is made under subsection (1) with respect to any provision of this Act, any reference in that provision to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

## Short title.

49. This Act may be cited as the Adoption Act (Northern Ireland) 1967.

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## SCHEDULE 1

Section 24.

## FORM OF ENTRY IN ADOPTED CHILDREN REGISTER

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

## SCHEDULE 2

Section 47.

## TRANSITIONAL PROVISIONS

1. Section 17 (3) shall apply in relation to an adoption order made under the Adoption of Children Act (Northern Ireland) 1950 or under the Adoption Act 1950 as it applies to an adoption order within the meaning of this Act.

2.—(1) In relation to the devolution of any property on the intestacy of a person dying before the date of the commencement of this Act, or to any disposition made before that date, sections 9 and 10 of the Adoption of Children Act (Northern Ireland) 1950 shall continue to apply as if this Act had not been passed.

(2) Section 19 (2) shall not apply in relation to a disposition made by will or codicil executed before the commencement of this Act unless the will or codicil is confirmed by codicil executed after the commencement of this Act, and any will or codicil made before the commencement of this Act and not confirmed by codicil executed after the commencement of this Act shall, for the purposes of section 18 (1) and section 19 (2), be treated as a disposition made before the commencement



SCH. 2  
—cont.

of this Act and accordingly section 9 and section 10 of the Adoption of Children Act (Northern Ireland) 1950 shall continue to apply in relation thereto as if this Act had not been passed.

3. Any register kept under any provision of the Adoption of Children Act (Northern Ireland) 1950, or any enactment repealed by that Act, and any index to such a register, shall be deemed to be part of the register or index kept under the corresponding provision of this Act.

4.—(1) Section 25 (1) and (2) shall apply in relation to an adoption order made under the Adoption of Children Act (Northern Ireland) 1950, or any enactment repealed by that Act, as they apply in relation to an adoption order made under this Act, but as if in paragraph (b) of the said subsection (1) there were substituted, for any reference to a provision of this Act, a reference to the corresponding provision of the said Act of 1950.

(2) The power of the court under section 25 (1) to amend an order to which that subsection applies by virtue of the foregoing sub-paragraph includes power to make, on the application of the adopter or of the 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 if section 24 had applied to the order, subject to the modification that, where the application relates to an order in which the surname of the adopted person is not specified, the name which was his surname one year after the date of the order may be added in the said particulars instead of the adopters (if different), notwithstanding anything in section 24 (2).

5. The provisions of this Act have effect in relation to an adoption society registered under Part II of the Adoption of Children Act (Northern Ireland) 1950, as if it were registered under Part V of this Act.

6. Where at the commencement of this Act a child in respect of whom a licence has been granted under section 23 (3) of the Adoption of Children Act (Northern Ireland) 1950 has not been transferred abroad, section 37 shall not prevent that transfer.

7. Any interim order made in respect of any infant under the Adoption of Children Act (Northern Ireland) 1950 and in force at the commencement of this Act shall continue in force as if it had been made under this Act.

8. Any proceedings pending at the commencement of this Act under the Adoption of Children Act (Northern Ireland) 1950 may be continued under the corresponding provision of this Act.