

These notes refer to the Adoption (Intercountry Aspects) (Northern Ireland) 2001 (c.11) which received Royal Assent on 2 July 2001

Adoption (Intercountry Aspects) (Northern Ireland) 2001

EXPLANATORY NOTES

MISCELLANEOUS AND SUPPLEMENTARY - SECTIONS 12 TO 16

Section 12 - Restriction on bringing children into the United Kingdom for adoption

41. **Section 12** inserts an additional Article 58ZA into the 1987 Order. The new Article makes it a criminal offence for a person habitually resident in the British Islands to bring to the United Kingdom, for the purposes of adoption, a child who is habitually resident outside those islands unless they comply with requirements to be prescribed by Regulations. The term “British Islands” is defined as meaning the United Kingdom, the Channel Islands and the Isle of Man.
42. Normally, summary proceedings for an offence may only be brought within six months from the date the offence was committed. However Article 58ZA(4) provides that proceedings for an offence under Article 58A may be brought within a period of six months from the date on which sufficient evidence, in the opinion of the prosecution, came to its knowledge. However, proceedings may not be brought more than three years after the offence was committed.

Section 13 - Effect of determinations in Convention countries, etc

43. **Section 13** inserts an additional Article 58ZB into the 1987 Order. The new Article makes provision for determinations of an authority of a Convention country (other than the United Kingdom) to have effect in Northern Ireland, subject to specified conditions. The authorities referred to are those which have power to authorise or review a Convention adoption, or which have power to revoke or annul an adoption or Convention adoption (or which have power to review a decision to revoke or annul such an adoption). Similar provision is made as regards the Channel Islands and the Isle of Man.

Section 14 - Minor and consequential amendments and repeals

44. **Section 14** effects minor and consequential amendments to the 1987 Order, the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 and the Adoption (Hague Convention) Act (Northern Ireland) 1969.

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Section 15 - Interpretation

45. **Section 15** defines certain terms used in the Act.

Section 16 - Short title and commencement

46. **Section 16** sets out the title of the legislation and provides that the substantive provisions will come into operation on such day or days as may be decided by the Department of Health, Social Services and Public Safety.

Schedule

47. The **Schedule** sets out the text of the Convention, so far as is material, under the following headings:

Chapter I	Scope of the Convention	Articles 1-3
Chapter II	Requirements for intercountry adoption	Articles 4-5
Chapter III	Central Authorities and Accredited Bodies	Articles 6-13
Chapter IV	Procedural requirements	Articles 14-22
Chapter V	Recognition and effects of the adoption	Articles 23-27
Chapter VI	General provisions	Articles 28-42