



2001 CHAPTER 11

Miscellaneous and supplementary

Restriction on bringing children into the United Kingdom for adoption

12. After Article 58 of the 1987 Order (restriction on removal of children for adoption outside Northern Ireland) there shall be inserted the following Article—

“Restriction on bringing children into the United Kingdom for adoption

58ZA.—(1) A person habitually resident in the British Islands who at any time brings into the United Kingdom for the purpose of adoption a child who is habitually resident outside those Islands shall be guilty of an offence unless such requirements as may be prescribed are satisfied either—

- (a) before that time; or
- (b) within such period beginning with that time as may be prescribed.

(2) Paragraph (1) does not apply where the child is brought into the United Kingdom for the purpose of adoption by a parent, guardian or relative.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(4) Proceedings for an offence under this Article may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecution to warrant the proceedings came to its knowledge; but no such proceedings shall be brought by virtue of this paragraph more than 3 years after the commission of the offence.

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

Effect of determinations in Convention countries, etc.

13. After Article 58ZA of the 1987 Order (inserted by Article 12) (restriction on bringing children into the United Kingdom for adoption) there shall be inserted the following Article—

“Effect of determinations in Convention countries, etc.

58ZB. Where—

- (a) an authority of a Convention country (other than the United Kingdom) having power under the law of that country—
 - (i) to authorise, or review the authorisation of, a Convention adoption; or
 - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order; or
- (b) an authority of any of the Channel Islands, the Isle of Man or any colony having power under the law of that territory—
 - (i) to authorise, or review the authorisation of, a Convention adoption or an adoption effected in that territory; or
 - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order,

makes a determination in the exercise of that power, then, subject to Article 55A and any subsequent determination having effect under this Article, the determination shall have effect in Northern Ireland for the purpose of effecting, confirming or terminating the adoption in question or confirming its termination as the case may be.”.

Minor and consequential amendments and repeals

14.—(1) In Article 2(2) of the 1987 Order (interpretation)—

- (a) after the definition of “order freeing a child for adoption” there shall be inserted the following definition—

““overseas adoption” means an adoption which is an overseas adoption for the purposes of the Adoption Act 1976 or the Adoption (Scotland) Act 1978;”;
- (b) in the definition of “prescribed”, after “4,” there shall be inserted “16A, 58ZA”.

(2) In Article 33(1) of the [Matrimonial and Family Proceedings \(Northern Ireland\) Order 1989 \(NI 4\)](#) (declarations as to adoptions effected overseas), for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) a Convention adoption as defined by Article 2(2) of the Adoption (Northern Ireland) Order 1987 or an overseas adoption as so defined; or”.

(3) The following provisions of the Adoption (Hague Convention) Act (Northern Ireland) [1969 \(c. 22\)](#) are hereby repealed—

(a) in section 5(1), the words “or a specified order” in paragraph (a) and the words “a specified order” in paragraph (b); and

(b) section 8(1).

(4) In Article 39(1) of the 1987 Order, the word “or” at the end of sub-paragraph (c) is hereby repealed.

Interpretation

15. In this Act—

“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

“the Department” means the Department of Health, Social Services and Public Safety;

“the 1987 Order” means the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#);

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) [1954 \(c. 33\)](#).

Short title and commencement

16.—(1) This Act may be cited as the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.

(2) This Act, except this section and section 15, shall come into operation on such day or days as the Department may by order appoint.