

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

SCHEDULES

Schedule 1: Registration of Adoptions

Paragraph 1 of Schedule 1 makes provision for an entry of certain adopters in the Adopted Children Register in accordance with a direction in the adoption order to the Registrar General. Regulations made by the Department of Finance will prescribe the form of the entry. It deals with the making of entries in the registers of live-births relating to the child who has been adopted and for marking any entries in the Adopted Children Register relating to a child who has been re-adopted.

Paragraph 2 makes provision for registration of adoption orders made in any part of Great Britain, the Isle of Man or the Channel Islands in the register of live-births. It also deals with marking any entry in the Adopted Children Register relating to a person who has been re-adopted in one of these jurisdictions and for cancellation of any such marking where an order has been quashed, revoked or a successful appeal brought.

Paragraph 3 deals with registration of other adoptions. It provides for registration of overseas and Convention adoptions which meet specified requirements. These are referred to as "registrable foreign adoptions".

Paragraph 4 makes provision for the amendment of orders and rectification of entries and markings in the Adopted Children Register and the registers of live-births.

Paragraphs 5 and 6 deal with re-registration of birth and cancellation in registers on legitimation.

Schedule 2: Disclosure of Birth Records by Registrar General

In the case of adoptions taking place before the provisions for the disclosure of information under sections 55 to 64 come into operation, Schedule 2 places a duty on the Registrar General to supply an adopted person, on application and subject to certain conditions including payment of a fee, with information to enable him to obtain a certified copy of the record of their birth (*paragraph 1*).

Paragraph 2 provides that, before the Registrar General gives any information to an applicant under paragraph 1, the Registrar General must inform the applicant that counselling services are available to the applicant, and where they may be obtained from. If the applicant chooses to receive counselling the Registrar General must send to the person or body providing the counselling the information to which the applicant is entitled. It will be for the adopted adult, regardless of when they were adopted, to decide whether to avail of counselling services, and from whom.

Under *paragraph 2* counselling is available from an appropriate voluntary organisation, a registered adoption society within the meaning of section 2(2) of the Adoption and Children Act 2002 or an organisation within section 144(3)(b) of that Act. It is also available from any HSC trust in Northern Ireland or, if the applicant is in England and Wales, at the General Register Office or from any local authority or registered adoption support agency and, if the applicant is in Scotland, from any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

Paragraph 3 provides that any adoption agency must provide counselling if asked by the adopted person.

Schedule 3: Minor and consequential amendments

Schedule 3 lists the minor and consequential amendments of the Adoption and Children Act.

Schedule 4: Transitional and transitory provisions and savings

Schedule 4 provides for transitional and transitory provisions and savings.

Provision in this Schedule amends the Adoption (Northern Ireland) Order 1987 in order to enable changes to the Adoption Service which are introduced by the Act to be implemented in advance of the Act as a whole.

Paragraph 1 makes provision in respect of adoption support services. *Paragraph 1(1)* provides that the facilities provided by an HSC trust as part of the service maintained under Article 3(1) of the Adoption (Northern Ireland) Order 1987 include such arrangements as may be required by regulations for the provision of adoption support services to prescribed persons. *Sub-paragraph (2)* provides that the regulations made under sub-paragraph (1) may require an HSC Trust, on request, to carry out an assessment of the needs for adoption support services of a prescribed person. Under *sub-paragraph (2)(b)*, where a person's needs for adoption support services are identified in an assessment, the trust must decide whether to provide adoption support services to that person. Where a decision is taken to provide services, in prescribed circumstances, the trust will be required to prepare a plan for the provision of services (*sub-paragraph (2)(c)*). The intention is to use these provisions to implement the new framework for adoption support services including financial support early in respect of adoptive families and prospective adoptive families.

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Paragraph 6 inserts a new paragraph (1A) into Article 60 of the Adoption (Northern Ireland) Order 1987 to make clear that the restrictions on advertising in that Article include publishing an advertisement by electronic means, such as the Internet. Sub-paragraph 6(b) provides for the penalty on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both.

Schedule 5: Repeals

Provisions to be repealed are to be found in Schedule 5. The Adoption and Children Act (Northern Ireland) 2022 will repeal current adoption legislation, the Adoption (Northern Ireland) Order 1987, except for Parts 1 and V.