

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: *Adoption and Children Act (Northern Ireland) 2022, Cross Heading: Adoptions from abroad: special restrictions is up to date with all changes known to be in force on or before 30 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 6

Adoptions with a foreign element

PROSPECTIVE

Adoptions from abroad: special restrictions

Declaration of special restrictions on adoptions from abroad

86.—(1) This section applies if the Department has reason to believe that, because of practices taking place in a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man, (the “other country”) in connection with the adoption of children, it would be contrary to public policy to further the bringing of children into the United Kingdom in the cases mentioned in subsection (2).

(2) The cases are that—

- (a) a British resident wishes to bring, or cause another to bring, a child who is not a British resident into the United Kingdom for the purpose of adoption by the British resident, and, in connection with the proposed adoption, there have been, or would have to be, proceedings in the other country or dealings with authorities or agencies there, or
- (b) a British resident wishes to bring, or cause another to bring, into the United Kingdom a child adopted by the British resident under an adoption

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effected, within the period of twelve months ending with the date of the bringing in, under the law of the other country.

(3) The Department may by order declare, in relation to any such country or territory, that special restrictions are to apply for the time being in relation to the bringing in of children in the cases mentioned in subsection (2).

(4) A country or territory in relation to which such a declaration has effect for the time being is referred to in this section as a “restricted country”.

(5) The Department must publish reasons for making the declaration in relation to each restricted country.

(6) The Department must publish a list of restricted countries (“the restricted list”) and keep the list up to date.

(7) The reasons and the restricted list are to be published in whatever way the Department thinks appropriate for bringing them to the attention of adoption agencies and members of the public.

(8) In this section, “British resident” means a person who is habitually resident in the United Kingdom, the Channel Islands and the Isle of Man, and the reference to adoption by a British resident includes adoption by a British resident and another person.

Commencement Information

11 S. 86 not in operation at Royal Assent, see [s. 160\(1\)](#)

Review

87.—(1) The Department must keep under review, in relation to each restricted country, whether it should continue to be a restricted country.

(2) If the Department determines, in relation to a restricted country, that there is no longer reason to believe what is mentioned in subsection (1) of section 86, the Department must by order revoke the order containing the declaration made in relation to it under subsection (3) of that section.

(3) In this section, “restricted country” has the same meaning as in section 86.

Commencement Information

12 S. 87 not in operation at Royal Assent, see [s. 160\(1\)](#)

The special restrictions

88.—(1) The special restrictions mentioned in section 86(3) are that the Department is not to take any step it might otherwise have taken in connection

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with furthering the bringing of a child into the United Kingdom in the cases mentioned in section 86(2) (whether or not that step is provided for by or by virtue of any statutory provision), except as mentioned in subsection (2).

(2) Nothing in subsection (1) prevents the Department from taking those steps if, in any particular case, the prospective adopters or, as the case may be, the adopters satisfy the Department that it should take those steps despite the special restrictions.

(3) The Department may make regulations providing for—

- (a) the procedure to be followed by the Department in determining whether or not it is satisfied as mentioned in subsection (2);
- (b) matters which the Department is to take into account when making such a determination (whether or not it also takes other matters into account).

Commencement Information

I3 S. 88 not in operation at Royal Assent, see [s. 160\(1\)](#)

Imposition of extra conditions in certain cases

89.—(1) The Department may make regulations providing—

- (a) for it to specify in the restricted list, in relation to any restricted country, a step which is not otherwise provided for by or by virtue of any statutory provision but which, by virtue of the arrangements between the United Kingdom and that country, the Department normally takes in connection with the bringing in of a child where that country is concerned; and
- (b) that, if such a step has been so specified in relation to a restricted country, one or more conditions specified in the regulations are to be met in respect of a child brought into the United Kingdom in either of the cases mentioned in section 86(2) (reading the reference there to the “other country” as being to the restricted country in question).

(2) Those conditions are in addition to any provided for by virtue of—

- (a) section 82; or
- (b) under or by virtue of any other statutory provision.

(3) A person who brings, or causes another to bring, a child into the United Kingdom is guilty of an offence if any condition required to be met by virtue of subsection (1)(b) is not met.

(4) Subsection (3) does not apply if the step specified in the restricted list in relation to any country had already been taken before the publication of the restricted list.

(5) A person guilty of an offence under this section is liable—

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- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding twelve months, or a fine, or both.
- (6) In this section, “restricted country” and “restricted list” have the same meanings as in section 86.

Commencement Information

I4 S. 89 not in operation at Royal Assent, see [s. 160\(1\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)