STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART IV

CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

Restrictions on removal of children

Restrictions on removal where adoption agreed or application made under Article 17(1) or 18(1)

28 [F1]**.**—(1) While an application for an adoption order is pending—

(a) where a parent or guardian of the child has agreed to the making of the adoption order (whether or not he knows the identity of the applicant), the parent or guardian;

(b) any person or body, other than a parent or guardian;

is not entitled, against the will of the person with whom the child has his home, to remove the child from the**[**[F2] home**]** of that person except with the leave of the court.

(2) While an application is pending for an order freeing a child for adoption and—

(a) the child is in the care of the adoption agency making the application, and

(b) the application was not made with the consent of each parent or guardian of the child,

no parent or guardian of the child is entitled, against the will of the person with whom the child has his home, to remove the child from the**[**[F2] home**]** of that person except with the leave of the court.

[[F2](2A) For the purposes of paragraph (2) a child is in the care of an adoption agency if the adoption agency is **[**[F3]an**][**[F4]HSC trust**]** and he is in its care.**]**

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence and 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.

F1 mod. by SR 2003/16

F2 1995 NI 2

F3 Word in art. 28(2A) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 111**; S.R. 2022/102, art. 2(b)

F4 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

Modifications etc. (not altering text)

C1 Art. 28(1) applied (with modifications) (6.4.2010) by Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), reg. 3, **Sch. 2**

C2 Art. 28(3) applied (with modifications) (6.4.2010) by Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), reg. 3, **Sch. 2**

Changes to legislation:
The Adoption (Northern Ireland) Order 1987, Section 28 is up to date with all changes known to be in force on or before 21 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.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 6(2) words inserted by S.I. 2019/1514 reg. 29(4)
- art. 60(1A) inserted by 2022 c. 18 (N.I.) Sch. 4 para. 6(a)