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STATUTORY INSTRUMENTS

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**1987 No. 2203**

**The Adoption (Northern Ireland) Order 1987**

**PART IV**

**CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION**

*Protected children*

**Meaning of “protected child”**

**33.—**(1) Where a person gives notice in pursuance of Article 22(1) to the <sup>F1</sup>... [<sup>F2</sup>HSC trust] within whose area he lives of his intention to apply for an adoption order in respect of a child, the child is for the purposes of this Part a protected child while he has his home with that person.

<sup>F3</sup>(1A) A child shall be deemed to be a protected child for the purposes of this Part if he is a protected child within the meaning of—

- (a) section 32 of the Adoption Act 1976; <sup>F4</sup> . . .
- (b) <sup>F4</sup> . . . . . ]

(2) A child is not a protected child by reason of any such notice as is mentioned in paragraph (1) while—

- (a) he is in the care of any person in—
  - <sup>F3</sup>(i) any school in which he is receiving full#time education;
  - (ii) any<sup>F5</sup> children's home in respect of which a person is registered under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003];
  - (iii) any hospital;
  - (iv) any home or institution not specified in heads (i) to (iii) but provided by the Secretary of State, a government department or a prescribed public body; or]
- (b) he is resident in a residential home for persons suffering from mental disorder within the meaning of Article 3(1) of the Mental Health (Northern Ireland) Order 1986<sup>F6</sup>; or
- (c) he is liable to be detained or is subject to guardianship under that Order of 1986.

<sup>F3</sup>(2A) Paragraph (2)(a) shall be construed in accordance with Article 2(2) of the Children (Northern Ireland) Order 1995 (interpretation).]

<sup>F3</sup>(3) A protected child ceases to be a protected child—

- (a) on the grant or refusal of the application for an adoption order;
- (b) on the notification to the <sup>F7</sup>... [<sup>F2</sup>HSC trust] for the area where the child has his home that the application for an adoption order has been withdrawn;

**Changes to legislation:** *The Adoption (Northern Ireland) Order 1987, Section 33 is up to date with all changes known to be in force on or before 05 May 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*

- (c) in a case where no application is made for an adoption order, on the expiry of the period of two years from the giving of the notice;
- (d) on the making of a residence order, a care order or a supervision order under the Children (Northern Ireland) Order 1995 in respect of the child;
- (e) on the appointment of a guardian for him under that Order;
- (f) on his attaining the age of 18 years; or
- (g) on his marriage<sup>F8</sup> or forming a civil partnership],

whichever first occurs.

(4) In paragraph (3)(d) the references to a care order and a supervision order do not include references to an interim care order or interim supervision order.]

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| <b>F1</b> | Words in art. 33(1) omitted (1.4.2022) by virtue of <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3)</a> , s. 8(1)(b), <b>Sch. 1 para. 114</b> ; S.R. 2022/102, art. 2(b)                                  |
| <b>F2</b> | Words in Order substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1)</a> , ss. 32, 34(3), <b>Sch. 6 para. 1(1)(d)</b> (with Sch. 6 para. 1(3)); S.R. 2009/114, <b>art. 2</b> |
| <b>F3</b> | 1995 NI 2   |
| <b>F4</b> | Art. 33(1A)(b) and preceding word repealed (15.7.2011) by <a href="#">Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740)</a> , arts. 1(2), 2, <b>Sch. 1 Pt. 3</b>              |
| <b>F5</b> | 2003 NI 9   |
| <b>F6</b> | 1986 NI 4   |
| <b>F7</b> | Words in art. 33(3)(b) omitted (1.4.2022) by virtue of <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3)</a> , s. 8(1)(b), <b>Sch. 1 para. 114</b> ; S.R. 2022/102, art. 2(b)                               |
| <b>F8</b> | 2004 c.33   |

**Changes to legislation:**

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**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\(a\)](#)