
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART II

ARRANGEMENTS FOR ADOPTION

The Adoption Service

The Adoption Service

3.—(1) Every Board shall establish and maintain within its area a service designed to meet the needs, in relation to adoption, of—

- (a) children who have been or may be adopted;
- (b) parents and guardians of such children; and
- (c) persons who have adopted or may adopt a child,

and for that purpose shall provide the requisite facilities, or secure that they are provided by registered adoption societies.

(2) The facilities to be provided as part of the service maintained under paragraph (1) include—

- (a) temporary board and lodging where needed by pregnant women, mothers or children;
- (b) arrangements for assessing children and prospective adopters, and placing children for adoption;
- (c) counselling for persons with problems relating to adoption.

(3) The service maintained by Boards under paragraph (1) may be collectively referred to as “the Adoption Service”, and a Board or a registered adoption society may be referred to as an adoption agency.

Adoption societies

Registration of adoption societies

4.—(1) A body which is a voluntary organisation and desires to act, or to continue to act, as an adoption society may apply to the Department in the prescribed manner for registration under this Article paying such fee, if any, as may be prescribed.

(2) In considering the application, the Department shall have regard, in relation to the period for which registration is sought, to—

- (a) the applicant’s adoption programme, including, in particular, its ability to make provision (either directly or by arrangement with any other body, including a Board) for children who are free for adoption (including such children who are not placed for adoption);
- (b) the number and qualifications of its staff;

- (c) the availability to it of competent medical, legal and social work advice;
- (d) its financial resources; and
- (e) the organisation and control of its operations.

(3) After taking into account, in relation to the applicant, the matters specified in paragraph (2) and any other relevant considerations, the Department—

- (a) if satisfied that the applicant is likely to make, or if the applicant is an adoption society registered under Part V of the Adoption Act (Northern Ireland) 1967(1), is making an effective contribution to the Adoption Service, may register the applicant; or
- (b) may refuse to register it.

(4) Registration of an adoption society on an application under paragraph (1), unless cancelled earlier under Article 5, shall last for a period of 3 years from the date of registration and shall then expire or, in the case of a registered adoption society whose further application for registration is pending at that time, shall expire on the date when that application is granted or, as the case may be, refused.

Cancellation of registration

5.—(1) The Department may at any time cancel the registration of a registered adoption society—

- (a) if the Department is of the opinion that, taking account of the matters and considerations mentioned in Article 4(3), the society is not making an effective contribution to the Adoption Service; or
- (b) if the society fails to provide the Department with information required by it for the purpose of carrying out its functions under sub-paragraph (a), or fails to verify such information in the manner required by the Department; or
- (c) if the society is no longer a voluntary organisation.

(2) Where registration is cancelled under paragraph (1) or expires, the Department may direct the body concerned to make such arrangements as to children who are in its care and other transitional matters as seem to the Department expedient.

Procedure and right of appeal where registration refused or cancelled

6.—(1) Where the Department proposes (otherwise than in a case where it has already complied with this paragraph and, where appropriate, paragraph (2))—

- (a) to refuse an application under Article 4 for registration of a body as an adoption society, or
- (b) to cancel the registration of an adoption society under Article 5,

the Department shall serve on the body or, as the case may be, the society a notice—

- (i) setting out the reasons why the Department proposes to refuse the application or, as the case may be, to cancel the registration;
- (ii) informing the body or society that it may make representations in writing to the Department within 28 days of the date of service of the notice.

(2) If any representations are made by the body or society in accordance with paragraph (1) (ii), the Department shall give further consideration to the application or, as the case may be, the cancellation of the registration, taking into account those representations.

(3) If the Department, after complying with paragraph (1) and, where appropriate, paragraph (2), decides to refuse the application for registration or to cancel the registration, as the case may be, it shall give to the body or society notice of its decision.

(1) 1967 c. 35 (N.I.)

(4) Any body aggrieved by the refusal of an application for registration, or any adoption society aggrieved by the cancellation of its registration, by the Department, may appeal to an Appeal Tribunal constituted in accordance with Schedule 1 and that Tribunal may determine any such appeal; and the Tribunal's determination shall be final and conclusive.

(5) An appeal under this Article shall be brought by notice served on the Department requiring it to refer the refusal or cancellation to an Appeal Tribunal.

(6) The Department shall pay to any member of an Appeal Tribunal such remuneration, if any, and such travelling or other allowances as may be approved by the Department of Finance and Personnel.

(7) An Appeal Tribunal may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents or articles in his custody or under his control which relate to any appeal or other matter pending before the Tribunal, and may hear, receive and examine evidence on oath and for that purpose may administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined; and the Tribunal may also exercise the powers conferred by Schedule 1.

(8) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under paragraph (7), or to give evidence, or who wilfully alters, suppresses, cancels, destroys or refuses to produce any document or article which he may be required to produce by virtue of that paragraph, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(9) Any person entitled to appeal to an Appeal Tribunal may appear and be heard on any such appeal either in person or by counsel or solicitor.

(10) Where the registration of an adoption society is cancelled or its re-registration on the expiry of a period of registration is refused by the Department, the adoption society shall, for the purposes of this Order, be deemed to be registered under this Order during the period within which an appeal against the cancellation or refusal may be brought under this Article, and, if such an appeal is brought, until the determination or abandonment of the appeal.

(11) For the purposes of paragraph (10), regulations may prescribe when an appeal is to be treated as abandoned.

Inspection of books, etc., of registered adoption societies

7.—(1) The Department may at any time serve a notice on any registered adoption society, or on any officer of such a society, requiring that society or officer to produce to the Department or a specified officer of the Department such books, accounts and other documents of the society relating to the performance by the society of its function in connection with the adoption of children as the Department may consider necessary for its information.

(2) Any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified in a manner specified in the notice.

(3) Any person who fails to comply with the requirements of a notice under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

Inactive or defunct adoption societies

8.—(1) If it appears to the Department that a registered adoption society, or a society whose registration has expired under Article 4(4) or has been cancelled under Article 5, is inactive or defunct, the Department may, in relation to any child who is or was in the care of the society, direct

a Board to take such action as might have been taken by the society or by the society jointly with some other body (including a Board).

(2) Before giving a direction under paragraph (1), the Department shall, if practicable, consult both the society and the Board.

Welfare of children

Duty to promote welfare of child

9. In deciding on any course of action in relation to the adoption of a child, a court or adoption agency shall regard the welfare of the child as the most important consideration and shall—

- (a) have regard to all the circumstances, full consideration being given to—
 - (i) the need to be satisfied that adoption, or adoption by a particular person or persons, will be in the best interests of the child; and
 - (ii) the need to safeguard and promote the welfare of the child throughout his childhood; and
 - (iii) the importance of providing the child with a stable and harmonious home; and
- (b) so far as practicable, first ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.

Supplemental

Regulation of adoption agencies

10.—(1) Regulations may make provision for any purpose relating to the exercise by adoption agencies of their functions in connection with the adoption of children.

(2) Regulations may make the contravention of any regulation an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Restriction on arranging adoptions and placing children

11.—(1) A person other than an adoption agency shall not make arrangements for the adoption of a child, or place a child for adoption, unless—

- (a) he is a parent of the child and the proposed adopter, or one of the proposed adopters, is a relative of the child; or
- (b) he is acting in pursuance of an order of the High Court.

(2) An adoption society approved as respects England and Wales under section 3 of the Adoption Act 1976⁽²⁾, or as respects Scotland under section 3 of the Adoption (Scotland) Act 1978⁽³⁾, but which is not registered under Article 4, shall not act as an adoption society in Northern Ireland except to the extent that the society considers it necessary to do so in the interests of a person mentioned in section 1 of that Act of 1976 or, as the case may be, section 1 of that Act of 1978.

(3) A person who—

- (a) takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of children and which is not an adoption agency; or

(2) 1976 c 36

(3) 1978 c 28

(b) contravenes paragraph (1); or

(c) receives a child placed with him in contravention of paragraph (1);

shall be guilty of an offence and 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) In any proceedings for an offence under paragraph (3)(a) proof of things done or of words written, spoken, or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of children on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

(5) Article 27 shall apply where a person is convicted of an offence consisting of a contravention of paragraph (1) as it applies where an application for an adoption order is refused.