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STATUTORY INSTRUMENTS

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**1987 No. 2203**

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

**PART III**

**ADOPTION ORDERS**

*The making of adoption orders*

**Adoption orders**

**12** <sup>F1</sup>.—<sup>F2</sup>(1) An adoption order is an order giving parental responsibility for a child to the adopters, and such an order may be made by an authorised court on the application of the adopters.

(2) The order does not affect parental responsibility so far as it relates to any period before the making of the order.

(3) The making of an adoption order operates to extinguish—

- (a) the parental responsibility which any person has for the child immediately before the making of the order;
- (b) any order of a court under the Children (Northern Ireland) Order 1995;
- (c) any duty arising by virtue of an agreement or the order of a court to make payments, so far as the payments are in respect of the child's maintenance or upbringing for any period after the making of the order.]

(4) Paragraph<sup>F3</sup> (3)(c)] does not apply to a duty arising by virtue of an agreement—

- (a) which constitutes a trust, or
- (b) which expressly provides that the duty is not to be extinguished by the making of an adoption order.

(5) An adoption order may not be made in relation to a child who is or has been married<sup>F4</sup> or who is or has been a civil partner].

(6) An adoption order may contain such terms and conditions as the court thinks fit.

(7) An adoption order may be made notwithstanding that the child is already an adopted child.

**F1** mod. by SR 2003/16

**F2** 1995 NI 2

**F3** 1995 NI 2

**F4** 2004 c.33

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**Modifications etc. (not altering text)**

**C1** Art. 12(1)-(4) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, [Sch. 2](#)

### Child to live with adopters before order made

13.—(1) Where—

- (a) the applicant, or one of the applicants, is a parent, step-parent or relative of the child, or
- (b) the child was placed with the applicants by an adoption agency or in pursuance of an order of the High Court,

an adoption order shall not be made unless the child is at least 19 weeks old and at all times during the preceding 13 weeks had his home with the applicants or one of them.

(2) Where paragraph (1) does not apply, an adoption order shall not be made unless the child is at least 12 months old and at all times during the preceding 12 months had his home with the applicants or one of them.

(3) An adoption order shall not be made unless the court is satisfied that sufficient opportunities to see the child with the applicant or, in the case of an application by a <sup>F5</sup>... couple, both applicants together in the home environment have been afforded—

- (a) where the child was placed with the applicant by an adoption agency, to that agency, or
- (b) in any other case, to the Board<sup>F6</sup> or [<sup>F7</sup>HSC trust]] within whose area the home is.

<sup>F8</sup>(4) In relation to—

- (a) an adoption proposed to be effected by a Convention adoption order; or
- (b) an adoption of a child habitually resident outside the United Kingdom, the Channel Islands and the Isle of Man which is proposed to be effected by an adoption order other than a Convention adoption order,

paragraph (1) shall have effect as if the reference to the preceding 13 weeks were a reference to the preceding 6 months.]

**F5** Word in [art. 13\(3\)](#) omitted (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), [30\(3\)](#) (with regs. 6-9)

**F6** 1994 NI 2

**F7** 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](#)

**F8** 2001 c. 11 (NI)

### <sup>F9</sup>Adoption by <sup>F10</sup>... couple

14.—(1) An adoption order shall not be made on the application of more than one person except in the circumstances specified in paragraphs (2) and (3).

(2) An adoption order may be made on the application of a [<sup>F11</sup>couple where both of them] have attained the age of 21 years.

(3) An adoption order may be made on the application of a <sup>F12</sup>... couple where—

- (a) [<sup>F13</sup>one of the couple] —
  - (i) is the father or mother of the child; and
  - (ii) has attained the age of 18 years;
 and
- (b) [<sup>F14</sup>the other] has attained the age of 21 years.

(4) An adoption order shall not be made on the application of a <sup>F15</sup>... couple unless at least one of them is domiciled in a part of the United Kingdom, or in any of the Channel Islands or in the Isle of Man.]

- F9** 1995 NI 2
- F10** Word in art. 14 heading omitted (13.1.2020) by virtue of *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(a)** (with regs. 6-9)
- F11** Words in art. 14(2) substituted (13.1.2020) by *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(b)** (with regs. 6-9)
- F12** Word in art. 14(3) omitted (13.1.2020) by virtue of *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(c)(i)** (with regs. 6-9)
- F13** Words in art. 14(3)(a) substituted (13.1.2020) by *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(c)(ii)** (with regs. 6-9)
- F14** Words in art. 14(3)(b) substituted (13.1.2020) by *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(c)(iii)** (with regs. 6-9)
- F15** Word in art. 14(4) omitted (13.1.2020) by virtue of *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **30(4)(d)** (with regs. 6-9)

**Modifications etc. (not altering text)**

- C2** Art. 14(2) amendment earlier affecting provision 1969 c. 22 (NI) s. 2(a) (13.1.2020) by *The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019* (S.I. 2019/1514), regs. 1(2), **29(3)** (with regs. 6-9)

**Adoption by one person**

**15.—**(1) An adoption order may be made on the application of one person where he has attained the age of 21 years and—

- (a) is not married<sup>F16</sup> or a civil partner], or
- (b) is married and the court is satisfied that—
- (i) his spouse cannot be found, or
- (ii) the spouses have separated and are living apart, and the separation is likely to be permanent, or
- (ii) his spouse is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order
- <sup>F17</sup>, or
- (c) is a civil partner and the court is satisfied—
- (i) the person's civil partner cannot be found, or
- (ii) the civil partners have separated and are living apart, and the separation is likely to be permanent, or
- (iii) the person's civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order, or
- (d) the court is satisfied—

- (i) the person, and a parent of the child, are a couple, and
- (ii) the person is not the child's parent.]

(2) An adoption order shall not be made on the application of one person unless he is domiciled in a part of the United Kingdom, or in any of the Channel Islands or in the Isle of Man.

(3) An adoption order shall not be made on the application of the mother or father of the child alone unless the court is satisfied that—

- (a) the other natural parent is dead or cannot be found<sup>F18</sup> or, by virtue of the provisions specified in paragraph (3A), there is no other parent], or
- (b) there is some other reason justifying the exclusion of the other natural parent,

and where such an order is made the reason justifying the exclusion of the other natural parent shall be recorded by the court.

[<sup>F19</sup>(3A) The provisions referred to in paragraph (3)(a) are—

- (a) section 28 of the Human Fertilisation and Embryology Act 1990 (disregarding subsections (5A) to (5I) of that section), or
- (b) sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act).]

*Para. (4) rep. by 1995 NI 2*

**F16** 2004 c.33

**F17** Art. 15(1)(c)(d) and preceding word inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **30(5)** (with regs. 6-9)

**F18** Words in art. 15(3)(a) substituted (6.4.2009 for certain purposes, otherwise 1.9.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68(2), **Sch. 6 para. 68(2)**; S.I. 2009/479, **art. 6(1)(e)(f)(2)** (with art. 7(1), Sch. 1) (as amended by S.I. 2009/2232, art. 3)

**F19** Art. 15(3A) inserted (6.4.2009 for certain purposes, otherwise 1.9.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68(2), **Sch. 6 para. 68(3)**; S.I. 2009/479, **art. 6(1)(e)(f)(2)** (with art. 7(1), Sch. 1) (as amended by S.I. 2009/2232, art. 3)

## Parental agreement

**16**<sup>F20</sup>.—(1) An adoption order shall not be made unless—

- (a) the child is free for adoption by virtue of an order made in Northern Ireland under Article 17(1) or 18(1), made in England and Wales under section 18 of the Adoption Act 1976<sup>F21</sup> (freeing children for adoption in England and Wales)<sup>F22</sup>. . . ; or
  - [<sup>F23</sup>(aa) the child is the subject of a Scottish permanence order which includes provision granting authority for the child to be adopted; or]
  - (b) in the case of each parent or guardian of the child the court is satisfied that—
    - (i) he freely, and with full understanding of what is involved, agrees—
      - (aa) either generally in respect of the adoption of the child or only in respect of the adoption of the child by a specified person, and
      - (ab) either unconditionally or subject only to a condition with respect to the religious persuasion in which the child is to be brought up,
- to the making of an adoption order; or

(ii) his agreement to the making of the adoption order should be dispensed with on a ground specified in paragraph (2).

(2) The grounds mentioned in paragraph (1)(b)(ii) are that the parent or guardian—

- (a) cannot be found or is incapable of giving agreement;
- (b) is withholding his agreement unreasonably;
- (c) has persistently failed without reasonable cause to discharge<sup>F24</sup> his parental responsibility for] the child;
- (d) has abandoned or neglected the child;
- (e) has persistently ill-treated the child;
- (f) has seriously ill-treated the child (subject to paragraph (4)).

(3) Agreement by the mother of the child is ineffective for the purposes of paragraph (2)(b)(i) if given less than 6 weeks after the child's birth.

(4) Paragraph (2)(f) does not apply unless (because of the ill-treatment or for other reasons) the rehabilitation of the child within the household of the parent or guardian is unlikely.

(5) The reference in paragraph (1)(b) to a parent of a child does not include a reference to any person having<sup>F25</sup> parental responsibility for] the child by virtue of—

- <sup>F26</sup>(a) Article 53 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (which relates to parental responsibility for children ordered to be sent to juvenile justice centres);]

*Sub#para. (b) rep. by 1995 NI 2*

**F20** mod. by SR 2003/16

**F21** 1976 c. 36

**F22** Words in art. 16(1)(a) repealed (15.7.2011) by *Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740)*, arts. 1(2), 2, **Sch. 1 Pt. 3**

**F23** Art. 16(1)(aa) inserted (15.7.2011) by *Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740)*, arts. 1(2), 2, **Sch. 1 para. 11(4)**

**F24** 1995 NI 2

**F25** 1995 NI 2

**F26** 1998 NI 9

**Modifications etc. (not altering text)**

**C3** Art. 16(1)(a) modified (temp. from 2.11.2010 to 2.7.2011) by *Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2469)*, **arts. 5(b), 6**

**<sup>F27</sup>Convention adoption orders**

**16A.** An adoption order shall be made as a Convention adoption order if—

- (a) the application is for a Convention adoption order; and
- (b) any prescribed requirements are complied with.]

**F27** 2001 c. 11 (NI)

### *Freeing for adoption*

#### **Freeing child for adoption with parental agreement**

17.—<sup>F28</sup>(1) Subject to paragraph (2), where, on the joint application of the parents or guardian of the child and an adoption agency, an authorised court is satisfied in the case of each parent or guardian that he freely, and with full understanding of what is involved, agrees—

- (a) generally, and
- (b) either unconditionally or subject only to a condition with respect to the religious persuasion in which the child is to be brought up,

to the making of an adoption order, the court shall make an order declaring the child free for adoption.]

(2) Where, on an application for an order under paragraph (1) in relation to a child, the mother of the child satisfies the court that her spouse <sup>F29</sup>or civil partner] is not the father of the child, the court may make the order on the joint application of the mother and the adoption agency.

<sup>F30</sup>(3) On the making of an order under paragraph (1), parental responsibility for the child is given to the adoption agency, and paragraphs (2) to (4) of Article 12 shall apply as if the order were an adoption order and the agency were the adopters.]

(4) Agreement by the mother of the child is ineffective for the purposes of this Article if given less than 6 weeks after the child's birth.

(5) Before making an order under paragraph (1), the court shall satisfy itself, in relation to each parent or guardian of the child who can be found, that he has been given an opportunity of making, if he so wishes, a declaration that he prefers not to be involved in future questions concerning the adoption of the child; and any such declaration shall be recorded by the court.

<sup>F31</sup>(6) Before making an adoption order or an order under paragraph (1) in the case of a child whose father does not have parental responsibility for him, the court shall satisfy itself in relation to any person claiming to be the father that—

- (a) he has no intention of applying for—
  - (i) an order under Article 7(1) of the Children (Northern Ireland) Order 1995, or
  - (ii) a residence order under Article 10 of that Order, or
- (b) if he did make any such application, it would be likely to be refused.

(7) Paragraphs (5) and (7) of Article 12 shall apply in relation to the making of an order under this Article as they apply in relation to the making of an order under Article 12.]

**F28** 1995 NI 2

**F29** Words in art. 17(2) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **30(6)** (with regs. 6-9)

**F30** 1995 NI 2

**F31** 1995 NI 2

#### **Freeing child for adoption without parental agreement**

18.—(1) Where, on an application by an adoption agency, an authorised court is satisfied in the case of each parent or guardian of a child that his agreement to the making of an adoption order should be dispensed with on a ground specified in Article 16(2) the court shall make an order declaring the child free for adoption.

- (2) No application shall be made under paragraph (1) unless—
- (a) the child is in the care of the adoption agency; and
  - (b) the child is already placed for adoption or the court is satisfied that it is likely that the child will be placed for adoption.

[<sup>F32</sup>(2A) For the purposes of paragraph (2) a child is in the care of an adoption agency if the adoption agency is a Board or [<sup>F33</sup>HSC trust] and he is in its care.]

(3) Paragraphs (3), [<sup>F32</sup> and (5) to (7)] of Article 17 shall apply to an order made by a court under paragraph (1) as they apply to an order made by a court under Article 17(1).

**F32** 1995 NI 2

**F33** 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](#)

### **Progress reports to former parent**

**19.**—(1) This Article and Article 20 apply to any person (“the former parent”) who was required to be given an opportunity of making a declaration under Article 17(5) or by virtue of Article 18(3) but did not do so.

(2) If at any time the former parent by notice makes a declaration to the adoption agency that he prefers not to be involved in future questions concerning the adoption of the child—

- (a) the agency shall secure that the declaration is recorded by the court which made the order freeing the child for adoption, and
- (b) paragraphs (3) and (4) and Article 20 shall not apply as respects that former parent.

(3) Within the 14 days following the date 12 months after the making of the order freeing the child for adoption the adoption agency [<sup>F34</sup>to which parental responsibility was given] on the making of the order, unless it has previously by notice to the former parent informed him that an adoption order has been made in respect of the child, shall by notice to the former parent inform him—

- (a) whether an adoption order has been made in respect of the child, and (if not)
- (b) whether the child has his home with a person with whom he has been placed for adoption.

(4) If at the time when the former parent is given notice under paragraph (3) an adoption order has not been made in respect of the child, the adoption agency shall give notice to the former parent of the making of an adoption order (if and when made), and meanwhile shall give the former parent notice whenever the child is placed for adoption or ceases to have his home with a person with whom he has been placed for adoption.

**F34** 1995 NI 2

### **Revocation of order freeing child for adoption**

**20.**—(1) The former parent, at any time more than 12 months after the making of the order freeing the child for adoption when—

- (a) no adoption order has been made in respect of the child, and
- (b) the child does not have his home with a person with whom he has been placed for adoption,

may apply to the court which made the order for a further order revoking it on the ground that he wishes to resume [<sup>F35</sup> parental responsibility for the child].

(2) While the application is pending the adoption agency having<sup>[F35]</sup> parental responsibility] shall not place the child for adoption without the leave of the court.

<sup>[F35]</sup>(3) The revocation of an order under Article 17(1) or 18(1) (“a freeing order”) operates—

- (a) to extinguish the parental responsibility given to the adoption agency under the freeing order;
- (b) to give parental responsibility for the child to—
  - (i) the child's mother; and
  - (ii) where the child's father and mother were married to <sup>[F36]</sup>, or civil partners of,] each other at the time of his birth, the father; and
- (c) to revive—
  - (i) any parental responsibility agreement,
  - (ii) any order under Article <sup>[F37]</sup> of the Children (Northern Ireland) Order 1995, and
  - (iii) any appointment of a guardian in respect of the child (whether made by a court or otherwise),
 extinguished by the making of a freeing order.

(3A) Subject to paragraph (3)(c), the revocation does not—

- (a) operate to revive—
  - (i) any order under the Children (Northern Ireland) Order 1995,
  - or
  - (ii) any duty referred to in Article 12(3)(c),
 extinguished by the making of the freeing order; or
- (b) affect any person's parental responsibility so far as it relates to the period between the making of the freeing order and the date of revocation of that order.]

(4) Subject to paragraph (5), if the application is dismissed on the ground that to allow it would contravene the principle embodied in Article 9—

- (a) the former parent who made the application shall not be entitled to make any further application under paragraph (1) in respect of the child, and
- (b) the adoption agency is released from the duty of complying further with Article 19(3) as respects that parent.

(5) Paragraph (4)(a) shall not apply where the court which dismissed the application gives leave to the former parent to make a further application under paragraph (1), but such leave shall not be given unless it appears to the court that because of a change in circumstances or for any other reason it is proper to allow the application to be made.

**F35** 1995 NI 2

**F36** Words in art. 20(3)(b)(ii) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), [30\(7\)\(a\)](#) (with regs. 6-9)

**F37** Word in art. 20(3)(c)(ii) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), [30\(7\)\(b\)](#) (with regs. 6-9)



**[<sup>F38</sup>Variation of order under Article 17(1) or 18(1) so as to substitute one adoption agency for another**

**21.**—(1) On an application to which this Article applies, an authorised court may vary an order under Article 17(1) or 18(1) so as to give parental responsibility for the child to another adoption agency (“the substitute agency”) in place of the agency for the time being having parental responsibility for the child under the order (“the existing agency”).

(2) This Article applies to any application made jointly by—

- (a) the existing agency; and
- (b) the would#be substitute agency.

(3) Where an order under Article 17(1) or 18(1) is varied under this Article, Article 19 shall apply as if the substitute agency had been given responsibility for the child on the making of the order.]

**F38** 1995 NI 2

*Supplemental*

**Notification to Board of adoption application, where child not placed by adoption agency**

**22** <sup>F39</sup>.—(1) An adoption order shall not be made in respect of a child who was not placed with the applicant by an adoption agency unless the applicant has, at least 3 months before the date of the order, served notice on the Board[<sup>F40</sup> or [<sup>F41</sup>HSC trust]] within whose area he has his home of his intention to apply for the adoption order.

[<sup>F42</sup>(1A) An application for such an adoption order shall not be made unless the person wishing to make the application has, within the period of two years preceding the making of the application, given notice as mentioned in paragraph (1).

(1B) In paragraphs (1) and (1A) the references to the area in which the applicant or person has his home are references to the area in which he has his home at the time of giving the notice.]

(2) On receipt of such a notice the Board[<sup>F40</sup> or [<sup>F41</sup>HSC trust]] shall investigate the matter and submit to the court a report of its investigation and shall assist the court in any manner the court may direct.

(3) Under paragraph (2), the Board[<sup>F40</sup> or [<sup>F41</sup>HSC trust]] shall in particular investigate,—

- (a) so far as is practicable, the suitability of the applicant, and any other matters relevant to the operation of Article 9 in relation to the application; and
- (b) whether the child was placed with the applicant in contravention of Article 11.

(4) A Board which receives notice under paragraph (1) in respect of a child whom the Board knows to be[<sup>F42</sup> looked after by] another Board[<sup>F40</sup> or of an [<sup>F41</sup>HSC trust]] shall, not more than 7 days after the receipt of the notice, inform that other Board[<sup>F40</sup> or that trust] in writing, that it has received the notice.

[<sup>F40</sup>(5) An [<sup>F41</sup>HSC trust] which receives notice under paragraph (1) in respect of a child whom the trust knows to be[<sup>F42</sup> looked after by] another [<sup>F41</sup>HSC trust] or of a Board shall, not more than 7 days after the receipt of the notice, inform that other [<sup>F41</sup>HSC trust] or that Board in writing, that it has received the notice.]

**F39** mod. by SR 2003/16

**F40** 1994 NI 2

- F41** 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](#)
- F42** 1995 NI 2

### Enquiries to be made of Board, where child is to be placed by registered adoption society

23. Where<sup>F43</sup> an appropriate voluntary organisation] is considering the placement of a child with any person for adoption, [<sup>F44</sup>the organisation] shall make enquiries of the Board<sup>F45</sup> or [<sup>F46</sup>HSC trust]] in whose area that person's place of residence is situated so that the Board<sup>F45</sup> or [<sup>F46</sup>HSC trust]] may inform<sup>F44</sup>the organisation] whether or not there is any reason to believe that the proposed adoption would be detrimental to the child.

- F43** Words in [art. 23](#) substituted (29.10.2010) by [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, [art. 3](#), Sch. 1
- F44** Words in [art. 23](#) substituted (29.10.2010) by [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, [art. 3](#), Sch. 1
- F45** 1994 NI 2
- F46** 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](#)

### Reports to court where child placed by agency

24.—(1) Where an application for an adoption order relates to a child placed by an adoption agency, the agency shall submit to the court a report on the suitability of the applicants and any other matters relevant to the operation of Article 9 and shall assist the court in any manner the court may direct.

(2) Arrangements may be made by an adoption agency which has placed a child for its functions in relation to that child with respect to the report on the suitability of the applicants for adoption and any other matters relevant to the operation of Article 9 to be discharged by another adoption agency where unforeseen and exceptional circumstances make such an arrangement necessary.

### Restrictions on making adoption orders

25.—(1) The court shall not proceed to hear an application for an adoption order in relation to a child where a previous application for a British adoption order made in relation to the child by the same persons was refused by any court unless—

- (a) in refusing the previous application the court directed that this paragraph should not apply, or
- (b) it appears to the court that because of a change in circumstances or for any other reason it is proper to proceed with the application.

(2) The court shall not make an adoption order in relation to a child unless it is satisfied that the applicants have not, as respects the child, contravened Article 59.

<sup>F47</sup>(3) In this Article “British adoption order” means—

- (a) an adoption order or an order under the Adoption Act (Northern Ireland) 1967; or
- (b) an order under any provision for the adoption of a child effected under the law of any of the following countries, that is to say, the Channel Islands, the Isle of Man and a colony, which is a British territory for the purposes of section 24 of the Adoption Act 1976.]

**F47** 1995 NI 2

**Modifications etc. (not altering text)**

**C4** Art. 25(1) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

**Interim orders**

**26.**—(1) Where on an application for an adoption order the requirements of Articles 16(1) and 22(1) are complied with, the court may postpone the determination of the application and make an order<sup>F48</sup> giving parental responsibility for the child to] the applicants for a probationary period not exceeding 2 years upon such terms for the maintenance of the child and otherwise as the court thinks fit.

(2) Where the probationary period specified in an order under paragraph (1) is less than 2 years, the court may by a further order extend the period to a duration not exceeding 2 years in all.

**F48** 1995 NI 2

*Art. 27. rep. by 1995 NI 2*

**Changes to legislation:**

There are currently no known outstanding effects for the The Adoption (Northern Ireland) Order 1987, PART III.