
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART VI^{F1}

REGISTRATION, AMENDMENT AND REVOCATION OF ADOPTION ORDERS

F1 functions transf. by SR 1993/494

The Adopted Children Register

Adopted Children Register

- 50.**—(1) The Registrar General for Northern Ireland (“the Registrar General”) shall—
- (a) maintain at the General Register Office a register to be called the Adopted Children Register, in which^{F2} such entries as may be—
 - (i) directed to be made in it by adoption orders, or
 - (ii) required to be made under Article 53, and no other entries, shall be made];
 - (b) cause an index of the Adopted Children Register to be made and kept in the General Register Office; and
 - (c) keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked “Adopted” pursuant to Article 51 or any statutory provision at the time in force, and any corresponding entry in the Adopted Children Register.
- (2) Every person shall be entitled to search the index mentioned in paragraph (1)(b) and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration (Northern Ireland) Order 1976^{F3} in respect of searches in other indexes kept in the General Register Office and in respect of the supply from that Office of certified copies of entries in the Registers of Births and Deaths.
- (3) The Registers and books kept under paragraph (1)(c) shall not be, nor shall any index thereof be, open to public inspection or search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from any such registers or books except in accordance with Article 54 or under an order of any of the following courts, that is to say—
- (a) the High Court;
 - (b) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates; and
 - (c) any prescribed county court.

Status: Point in time view as at 16/11/2012.

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[^{F4}(4) The Department of Finance and Personnel may by regulations make provision for any person to have access, on payment of the prescribed fee, to any information contained in the Adopted Children Register.

(5) Regulations under paragraph (4) may provide that the relevant period must have expired in relation to the information.

(6) In paragraph (5) “ the relevant period ” in relation to the adoption of a child means the expiration of the period of 100 years from the date of the child's birth or such other period as may be prescribed.

(7) Regulations under paragraph (4) may provide for the Registrar General—

- (a) to make arrangements with any person for the purpose of providing access to information as mentioned in that paragraph; and
- (b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).]

F2 2001 c. 11 (NI)

F3 1976 NI 14

F4 Art. 50(4)-(7) added (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\), ss. 25\(3\), 34; S.R. 2012/406, art. 2, Sch.](#)

Modifications etc. (not altering text)

C1 Art. 50 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\), reg. 3, Sch. 2](#)

Registration of adoption orders

51.—(1) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set out in Schedule 2, and (subject to paragraph (2)) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

(2) For the purposes of compliance with the requirements of paragraph (1)—

- (a) where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;
- (b) where the country of birth of the child is not proved to the satisfaction of the court, then, if it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Northern Ireland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register; and
- (c) the names to be specified in the order as the name and surname of the child shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.

(3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of Schedule 2 shall include—

- (a) in the case of a child born in Northern Ireland, the registration district in which the birth took place; and
- (b) where the child was born in Northern Ireland but the registration district in which the birth took place is not proved to the satisfaction of the court, or where the child is treated by

virtue of paragraph (2)(b) as born in Northern Ireland, he shall be treated for the purposes of this paragraph as born in the registration district in which the court sits.

(4) Where upon any application for an adoption order in respect of a child born in Northern Ireland (not being a child who has previously been the subject of an adoption order made by a court in Northern Ireland under this Order or any statutory provision at the time in force) there is proved to the satisfaction of the court the identity of the child with a child to whom an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Register of Births to be marked with the word “Adopted”.

(5) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Northern Ireland under this Order or any statutory provision at the time in force, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word “Re-adopted”.

(6) The prescribed officer of the court which made an adoption order shall cause the adoption order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

(7) Where an adoption order is communicated to the Registrar General in accordance with paragraph (6), and the country of birth of the child or the country in which the child was previously adopted is shown therein as being England or Wales, Scotland, the Isle of Man or any of the Channel Islands, the Registrar General shall cause a notification giving particulars of the entry to be marked and a statement that an adoption order has been granted in respect of the child, to be transmitted to the authority maintaining the Register of Births or the Adopted Children Register or any corresponding register of adoptions, as the case may be, in that country.

Modifications etc. (not altering text)

- C2 [Art. 51\(1\)](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, [Sch. 2](#)
- C3 [Art. 51\(3\)\(4\)](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, [Sch. 2](#)
- C4 [Art. 51\(6\)\(7\)](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, [Sch. 2](#)

Amendment of orders and rectification of Registers

52.—(1) The court by which an adoption order has been made (or, where that court was a county court, a county court held for the same division) may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein, and may—

- (a) if satisfied on the application of the adopter or of the adopted person that within 1 year beginning with the date of the order any new name or names has or have been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name or names specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name or names in those particulars, as the case may require;
- (b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Register of Births or the Adopted Children Register included in the order in pursuance of Article 51(4) or (5) was wrongly so included, revoke that direction.

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(2) Where an adoption order is amended or a direction revoked under paragraph (1), the prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar General who shall, as the case may require,—

- (a) cause the entry in the Adopted Children Register to be amended accordingly; or
- (b) cause the marking of the entry in the Register of Births or the Adopted Children Register to be cancelled.

(3) Where an adoption order is quashed or an appeal against an adoption order is allowed by any court, the court shall give direction to the Registrar General to cancel any entry in the Adopted Children Register and any marking of an entry in that Register or the Register of Births which was effected in pursuance of the order.

(4) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to Article 50(2) shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(5) Without prejudice to Article 55 where, after an entry in the Register of Births has been marked with the word “Adopted”, the birth is re-registered under Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976^{F5} (which provides for the re-registration of the birth of legitimated persons) the entry made on the re-registration shall be marked in the like manner.

(6) Where the Registrar General has, in accordance with Article 51(7), caused a notification of any particulars to be transmitted to any authority maintaining a Register of Births or an Adopted Children Register or any corresponding register of adoptions in England and Wales, Scotland, the Isle of Man or any of the Channel Islands, and any of those particulars are amended, revoked or cancelled under this Article, the Registrar General shall cause a notification of such amendment, revocation or cancellation to be transmitted to that authority.

F5 1976 NI 14

Modifications etc. (not altering text)

- C5** Art. 52(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**
- C6** Art. 52(6) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Registration of adoptions made outside Northern Ireland

53.—(1) Where the Registrar General is notified by the authority maintaining a register of adoptions in England or Wales, Scotland, the Isle of Man or any of the Channel Islands that an order has been made in that country authorising the adoption of a child to whom an entry in the Register of Births or the Adopted Children Register relates, he shall cause the entry to be marked with the word “Adopted” or “Re-adopted” as the case may require, followed by the name, in brackets, of the country in which the order was made.

(2) Where, after an entry has been so marked, the Registrar General is notified as aforesaid that the order has been quashed, that an appeal against the order has been allowed or that the order has been revoked, he shall cause the marking to be cancelled; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this paragraph, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) The preceding provisions of this Article shall apply in relation to orders corresponding to orders under Article 57 as they apply in relation to orders authorising the adoption of a child; but any marking of any entry required by virtue of this paragraph shall consist of the words “Proposed foreign adoption” or as the case may require, “Proposed foreign re-adoption” followed by the name in brackets of the country in which the order was made.

^{F6}(3A) If the Registrar General is satisfied, on an application under this paragraph, that he has sufficient particulars relating to a child adopted under a registrable foreign adoption to enable an entry in the form set out in Schedule 2 to be made in the Adopted Children Register for the child—

- (a) he shall make the entry accordingly; and
- (b) if he is also satisfied that an entry in the Register of Births relates to the child, he shall mark the entry “Adopted” or “Re-adopted”, as the case may be, followed by the name in brackets of the country in which the adoption was effected.

(3B) An application under paragraph (3A) shall be made, in the prescribed manner, by a prescribed person and give the prescribed particulars.

(3C) If the Registrar General is satisfied—

- (a) that a Convention adoption, a Convention adoption order or an overseas adoption has ceased to have effect, whether on annulment or otherwise; or
- (b) that any entry or mark was erroneously made in pursuance of paragraph (3A) in any register mentioned in that paragraph,

he may cause such alterations to be made in any such register as he considers are required in consequence of the cesser or to correct the error; and where an entry in such a register is amended in pursuance of this paragraph, any copy or extract of the entry shall be deemed to be accurate if and only if it shows the entry as amended but without indicating that it has been amended.

(3D) In this Article “registrable foreign adoption” means a Convention or overseas adoption which satisfies prescribed requirements.]

(4) Without prejudice to paragraphs (2)^{F6}, (3) and (3C)] or Article 55, where after an entry in the Register of Births has been marked in accordance with this Article the birth is re-registered under Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976, the entry made on the re-registration shall be marked in the like manner.

F6 2001 c. 11 (NI)

Modifications etc. (not altering text)

C7 Art. 53(1)(2) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

Disclosure of records

Disclosure of birth records of adopted children

54.—(1) Subject to^{F7} the provisions of this Article], the Registrar General shall, on an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Registrar General and who has attained the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.

(2) On an application made in the prescribed manner by an adopted person under the age of 18 years, a record of whose birth is kept by the Registrar General and who is intending to be married^{F8}

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or to form a civil partnership], and on payment of the prescribed fee (if any), the Registrar General shall inform the applicant whether or not it appears from information contained in the registers of live births or other records that the applicant and[F⁸ the intended spouse or civil partner] may be within the prohibited degrees of relationship for the purposes of Article 18(1) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984^{F⁹} [F⁸ or Schedule 12 to the Civil Partnership Act 2004].

[F⁷(3) Before supplying any information to an applicant under paragraph (1), the Registrar General shall inform the applicant that counselling services are available to him—

- (a) if he is in Northern Ireland—
 - (i) from the Board or [F¹⁰HSC trust] in whose area he is living;
 - (ii) where the adoption order relating to him was made in Northern Ireland, from the Board or [F¹⁰HSC trust] in whose area the court which made the order sat; or
 - (iii) from any other Board or [F¹⁰HSC trust];
- (b) if he is in England and Wales—
 - (i) at the General Register Office;
 - (ii) from the local authority in whose area he is living;
 - (iii) where the adoption order relating to him was made in England and Wales, from the local authority in whose area the court which made the order sat; or
 - (iv) from any other local authority;
- (c) if he is in Scotland—
 - (i) from the regional or islands council in whose area he is living;
 - (ii) where the adoption order relating to him was made in Scotland, from the council in whose area the court which made the order sat; or
 - (iii) from any other regional or islands council;
- (d) if he is in the United Kingdom and his adoption was arranged by an adoption society—
 - (i) [F¹¹being an appropriate voluntary organisation]; or
 - (ii) approved under section 3 of the Adoption Act 1976; ^{F¹²} . . .
 - (iii) ^{F¹²}
 from that society.

[if he is in the United Kingdom and his adoption was arranged by a registered adoption ^{F¹³}(e) service provided as mentioned in paragraph 8(1) of schedule 12 to the Public Services Reform (Scotland) Act 2010 and registered under Part 5 of that Act.]

- (4) Where an adopted person who is in Northern Ireland—
 - (a) applies for information under—
 - (i) paragraph (1), or
 - (ii) section 51 of the Adoption Act 1976, or
 - (b) is supplied with information under [F¹⁴section 55(4)(b) of the Adoption and Children (Scotland) Act 2007],

it shall be the duty of any body mentioned in paragraph (5) to provide counselling for him if asked by him to do so.

- (5) The bodies are—
 - (a) any Board or [F¹⁰HSC trust]; and

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(b) any adoption society falling within paragraph (3)(d) in so far as it is acting as an adoption society in Northern Ireland.

(6) If the applicant chooses to receive counselling from a body falling within paragraph (3), the Registrar General shall send to the body the information to which the applicant is entitled under paragraph (1).

(7) Where a person—

(a) was adopted before 18th December 1987, and

(b) applies for information under paragraph (1),

the Registrar General shall not supply the information to him unless he has attended an interview with a counsellor arranged by a body from whom counselling services are available as mentioned in paragraph (3).

(8) Where the Registrar General is prevented by paragraph (7) from supplying information to a person who is not living in the United Kingdom, he may supply the information to any body which—

(a) the Registrar General is satisfied is suitable to provide counselling to that person, and

(b) has notified the Registrar General that it is prepared to provide such counselling.]

F7 1995 NI 2

F8 2004 c.33

F9 1984 NI 14

F10 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**

F11 Words in art. 54(3)(d)(i) 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

F12 Art. 54(3)(d)(iii) and preceding word 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**

F13 Art. 54(3)(e) 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(6)(a)**

F14 Words in art. 54(4)(b) substituted (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(6)(b)**

Modifications etc. (not altering text)

C8 Art. 54(1)(2) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

C9 Art. 54(4)(5) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

[^{F15}Adoption Contact Register

54A.—(1) The Registrar General shall maintain at the General Register Office a register to be called the Adoption Contact Register.

(2) The register shall be in two parts—

(a) Part I: Adopted Persons; and

(b) Part II; Relatives.

(3) The Registrar General shall, on payment of such fee as may be prescribed, enter in Part I of the register the name and address of any adopted person who fulfils the conditions in paragraph (4) and who gives notice that he wishes to contact any relative of his.

(4) The conditions are that—

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- (a) a record of the adopted person's birth is kept by the Registrar General; and
 - (b) the adopted person has attained the age of 18 years and—
 - (i) has been supplied by the Registrar General with information under Article 54; or
 - (ii) has satisfied the Registrar General that he has such information as is necessary to enable him to obtain a certified copy of the record of his birth.
- (5) The Registrar General shall, on payment of such fee as may be prescribed, enter in Part II of the register the name and address of any person who fulfils the conditions in paragraph (6) and who gives notice that he wishes to contact an adopted person.
- (6) The conditions are—
- (a) that a record of the adopted person's birth is kept by the Registrar General; and
 - (b) that the person giving notice under paragraph (5) has attained the age of 18 years and has satisfied the Registrar General that—
 - (i) he is a relative of the adopted person; and
 - (ii) he has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person's birth.
- (7) The Registrar General shall, on receiving notice from any person named in an entry in the register that he wishes the entry to be cancelled, cancel the entry.
- (8) Any notice given under this Article must be in such a form as may be determined by the Registrar General.
- (9) The Registrar General shall transmit to an adopted person whose name is entered in Part I of the register the name and address of any relative in respect of whom there is an entry in Part II of the register.
- (10) Any entry cancelled under paragraph (7) ceases from the time of cancellation to be an entry for the purposes of paragraph (9).
- (11) The register shall not be open to public inspection or search and the Registrar General shall not supply any person with information entered in the register (whether in an uncancelled or a cancelled entry) except in accordance with this Article.
- (12) The register may be kept by means of a computer.
- (13) In this Article—
- (a) “relative” means any person (other than an adoptive relative) who is related to the adopted person by blood (including half#blood)^{F16}, marriage or civil partnership]; and
 - (b) “address” includes any address at or through which the person concerned may be contacted.]

F15 1995 NI 2

F16 2004 c.33

Revocation of certain adoptions

Revocation of adoptions on legitimization

55.—(1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(2) Where any person legitimated by virtue of section 1 of the Legitimacy Act (Northern Ireland) 1961^{F17} had been adopted by his father and mother before 1st September 1961, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(3) In relation to an adoption order made by a county court, the reference in paragraphs (1) and (2) to the court by which the order was made includes a reference to a court held for the same division.

(4) Where an adoption order is revoked under paragraph (1) or (2) the prescribed officer of the court shall cause the revocation to be communicated in the prescribed manner to the Registrar General who shall cause to be cancelled—

(a) the entry in the Adopted Children Register relating to the adopted person; and

(b) the marking with the word “Adopted” of any entry relating to him in the Register of Births; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this paragraph, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

F17 1961 c. 5 (NI)

[^{F18} **Annulment etc. of overseas adoptions**

55A.—(1) The High Court may, on an application under this paragraph, by order annul a Convention adoption or a Convention adoption order on the ground that the adoption or order is contrary to public policy.

(2) The High Court may, on an application under this paragraph—

(a) order that an overseas adoption or a determination shall cease to be valid in Northern Ireland on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case;

(b) decide the extent, if any, to which a determination has been affected by a subsequent determination.

(3) Except as provided by this Article the validity of a Convention adoption, a Convention adoption order, an overseas adoption or a determination shall not be impugned in proceedings in any court in Northern Ireland.]

F18 2001 c. 11 (NI)

Provisions supplementary to Article 55A

55B.—(1) Any application for an order under Article 55A or a decision under paragraph (2)(b) of that Article shall be made in the prescribed manner and within such period, if any, as may be prescribed.

(2) No application shall be made under Article 55A(1) unless immediately before the application is made the person adopted or the adopter habitually resides in Northern Ireland or, as the case may be, both adopters habitually reside there.

(3) In deciding in pursuance of Article 55A whether such an authority as is mentioned in Article 58ZB was competent to entertain a particular case, the court shall be bound by any finding of fact made by the authority and stated by the authority to be so made for the purpose of determining whether the authority was competent to entertain the case.

(4) In Article 55A “determination” means such a determination as is mentioned in Article 58ZB.

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Regulations

Regulations for purposes of Part VI

56. Regulations made under the Births and Deaths Registration (Northern Ireland) Order 1976^{F19} may make provision about the duties to be performed by registrars of births and deaths in the execution of this Part.

F19 [1976 NI 14](#)

Status:

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