

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: *Adoption and Children Act (Northern Ireland) 2022, Cross Heading: Northern Ireland Adoption and Children Act Register is up to date with all changes known to be in force on or before 13 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*



2022 CHAPTER 18

PART 3

Miscellaneous and supplementary

PROSPECTIVE

Northern Ireland Adoption and Children Act Register

Northern Ireland Adoption and Children Act Register

144.—(1) The Department must establish and maintain a register, to be called the Northern Ireland Adoption and Children Act Register, containing—

- (a) prescribed information about children who are suitable for adoption, children for whom an adoption authority is considering adoption and prospective adopters who are suitable to adopt a child;
 - (b) prescribed information about persons included in the register in pursuance of paragraph (a) in respect of things occurring after their inclusion.
- (2) Regulations may provide that the register may contain—
- (a) prescribed information about children who an English, a Welsh or a Scottish adoption agency is satisfied are suitable for adoption;
 - (b) prescribed information about prospective adopters who an English, a Welsh or a Scottish adoption agency is satisfied are suitable to adopt a child;

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(c) prescribed information about persons included in the register in pursuance of paragraph (a) or (b) in respect of things occurring after their inclusion.

(3) For the purpose of giving assistance in finding persons with whom children may be placed for purposes other than adoption, regulations under this section may—

(a) provide for the register to contain information about such persons and the children who may be placed with them; and

(b) apply any of the other provisions of this group of sections (that is, this section and sections 145 to 151), with or without modifications.

(4) The register is not to be open to public inspection or search (subject to regulations under section 149).

(5) Regulations under this section may make provision about the retention of information in the register.

(6) Information is to be kept in the register in any form the Department considers appropriate.

Commencement Information

II S. 144 not in operation at Royal Assent, see [s. 160\(1\)](#)

Use of an organisation to establish the register

145.—(1) The Department may make an arrangement with an organisation under which any function of the Department under section 144 of establishing and maintaining the register, and disclosing information entered in or compiled from information entered in the register to any person is performed wholly or partly by the organisation on the Department's behalf.

(2) The arrangement may include provision for payments to be made to the organisation by the Department.

(3) If the Department makes an arrangement under this section with an organisation, the organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Department.

(4) References in this group of sections to the registration organisation are to any organisation for the time being performing functions in respect of the register by virtue of arrangements under this section.

Commencement Information

I2 S. 145 not in operation at Royal Assent, see [s. 160\(1\)](#)

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Use of an organisation as an agency for payments

146.—(1) Regulations may authorise an organisation with which an arrangement is made under section 145 to act as agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.

(2) The organisation is to perform the functions exercisable by virtue of this section in accordance with any directions given by the Department.

Commencement Information

I3 S. 146 not in operation at Royal Assent, see [s. 160\(1\)](#)

Supply of information for the register

147.—(1) Regulations may require adoption agencies to give prescribed information to the Department or the registration organisation for entry in the register.

(2) Information is to be given to the Department or the registration organisation when required by the regulations and in the prescribed form and manner.

(3) Regulations may make provision enabling adoption agencies to enter prescribed information in the register.

(4) Information that is to be entered in the register by adoption agencies is to be entered in the prescribed form and manner.

(5) Regulations may require an agency giving information which is entered on the register or entering information in the register to pay a prescribed fee to the Department or the registration organisation.

(6) But an adoption agency is not to disclose any information to the Department or the registration organisation or to enter any information in the register—

- (a) about prospective adopters who are suitable to adopt a child, or persons who were included in the register as such prospective adopters, without their consent;
- (b) about children suitable for adoption or for whom an adoption authority is considering adoption, or persons who were included in the register as such children, without the consent of the prescribed person.

(7) Consent under subsection (6) is to be given in the prescribed form.

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Commencement Information

I4 S. 147 not in operation at Royal Assent, see [s. 160\(1\)](#)

Disclosure of information

148.—(1) Information entered in the register, or compiled from information entered in the register, may only be disclosed under subsection (2), (3) or (4), section 149 or section 150.

(2) Prescribed information entered in the register may be disclosed by the Department or the registration organisation—

- (a) where an adoption agency is acting on behalf of a child who is suitable for adoption or for whom an adoption authority is considering adoption, to the agency to assist in finding prospective adopters with whom it would be appropriate for the child to be placed;
- (b) where an adoption agency is acting on behalf of prospective adopters who are suitable to adopt a child, to the agency to assist in finding a child appropriate for adoption by them.

(3) Regulations may make provision permitting the disclosure of prescribed information entered in the register, or compiled from information entered in the register—

- (a) to an adoption agency or to an English, a Welsh or a Scottish adoption agency for any prescribed purpose; or
- (b) for the purpose of enabling the information to be entered in a register which is maintained in respect of England, Wales or Scotland and which contains information about children who are suitable for adoption or prospective adopters who are suitable to adopt a child.

(4) Prescribed information entered in the register, or compiled from information entered in the register, may be disclosed by the Department or the registration organisation to any prescribed person for use for statistical or research purposes, or for other prescribed purposes.

(5) Regulations may prescribe the steps to be taken by adoption agencies in respect of information received by them by virtue of subsection (2) or (3).

(6) Subsection (1) does not apply to a disclosure of information with the authority of the Department.

(7) Information disclosed to any person under subsection (2), (3) or (4) may be given on any prescribed terms or conditions.

(8) Regulations may, in prescribed circumstances, require a prescribed fee to be paid to the Department or the registration organisation—

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- (a) by a prescribed adoption agency in respect of information disclosed under subsection (2) or (3);
- (b) by a prescribed English, Welsh or Scottish adoption agency in respect of information disclosed under subsection (3); or
- (c) by a person in respect of information disclosed under subsection (4).

(9) If any information entered in the register is disclosed to a person in contravention of subsection (1), the person disclosing it is guilty of an offence.

(10) A person guilty of an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

Commencement Information

I5 S. 148 not in operation at Royal Assent, see [s. 160\(1\)](#)

Search and inspection of the register by prospective adopters

149.—(1) Regulations may make provision enabling prospective adopters who are suitable to adopt a child to search and inspect the register, for the purposes of assisting them to find a child for whom they would be appropriate adopters.

(2) Regulations under subsection (1) may make provision enabling prospective adopters to search and inspect only prescribed parts of the register, or prescribed content on the register.

(3) Access to the register for the purpose of searching and inspecting it may be granted on any prescribed terms and conditions.

(4) Regulations may prescribe the steps to be taken by prospective adopters in respect of information received by them as a result of searching or inspecting the register.

(5) Regulations may make provision requiring prospective adopters, in prescribed circumstances, to pay a prescribed fee to the Department or the registration organisation in respect of searching or inspecting the register.

Commencement Information

I6 S. 149 not in operation at Royal Assent, see [s. 160\(1\)](#)

Search and inspection of the register by adoption agencies

150.—(1) Regulations may make provision enabling adoption agencies to search and inspect the register—

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- (a) where an adoption agency is acting on behalf of a child who is suitable for adoption, to assist the agency in finding prospective adopters with whom it would be appropriate for the child to be placed;
- (b) where an adoption agency is acting on behalf of prospective adopters who are suitable to adopt a child, to assist the agency in finding a child appropriate for adoption by them;
- (c) for such other purposes as may be prescribed.

(2) Regulations under subsection (1) may make provision enabling adoption agencies to search and inspect only prescribed parts of the register, or prescribed content on the register.

(3) Access to the register for the purpose of searching and inspecting it may be granted on any prescribed terms and conditions.

(4) Regulations may prescribe the steps to be taken by adoption agencies in respect of information received by them as a result of searching or inspecting the register.

(5) Regulations may make provision requiring adoption agencies, in prescribed circumstances, to pay a prescribed fee to the Department or the registration organisation in respect of searching or inspecting the register.

Commencement Information

17 S. 150 not in operation at Royal Assent, see [s. 160\(1\)](#)

Supplementary

151.—(1) In this group of sections—

“English adoption agency” means “an adoption agency” within the meaning of section 131(1)(za) of the Adoption and Children Act 2002;

“organisation” includes a public body and a private or voluntary organisation;

“the register” means the Northern Ireland Adoption and Children Act Register;

“Scottish adoption agency” has the meaning given by section 144(3) of the Adoption and Children Act 2002;

“Welsh adoption agency” has the meaning given by section 131(1)(ca) of the Adoption and Children Act 2002.

(2) For the purposes of this group of sections (except sections 144(2) and 148(3))—

- (a) a child is suitable for adoption if an adoption agency is satisfied that the child ought to be placed for adoption;

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- (b) prospective adopters are suitable to adopt a child if an adoption agency is satisfied that they are suitable to have a child placed with them for adoption.
- (3) For the purposes of sections 144(2) and 148(3)—
 - (a) a child is suitable for adoption if an English, Welsh or Scottish adoption agency is satisfied that the child ought to be placed for adoption;
 - (b) prospective adopters are suitable to adopt a child if an English, Welsh or Scottish adoption agency is satisfied that they are suitable to have a child placed with them for adoption.
- (4) Nothing authorised or required to be done by virtue of this group of sections constitutes an offence under section 97, 98 or 99.

Commencement Information

18 S. 151 not in operation at Royal Assent, see [s. 160\(1\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)