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PROSPECTIVE

SCHEDULES

SCHEDULE 3

Minor and consequential amendments

PART 2

Amendments of subordinate legislation

The Human Fertilisation and Embryology (Parental Orders) Regulations 2018

81. In regulation 1 (citation, commencement, extent and interpretation), in paragraph (4) for the definition of “the 1987 Order” substitute—

““the 2022 Act” means the Adoption and Children Act (Northern Ireland) 2022”

Commencement Information

II Sch. 3 para. 81 not in operation at Royal Assent, see [s. 160\(1\)](#)

82.—(1) In regulation 4 (application of certain provisions of the 1987 Order subject to modifications), for “the 1987 Order” substitute “the 2022 Act”.

(2) In the heading of that regulation, for “the 1987 Order” substitute “the 2022 Act”.

(83) For Schedule 3 (application and modification of Adoption (Northern Ireland) Order 1987 in respect of parental orders and applications for such orders) substitute—

“SCHEDULE 3

Application and modification of the 2022 Act in respect
of parental orders and applications for such orders

1. The provisions of the 2022 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

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2.—(1) Section 1 (considerations applying to the exercise of powers) is modified as follows.

(2) The section has effect as if the words “or adoption agency” were omitted on each occasion they appear.

(3) Subsection (1) has effect as if for “the adoption of” there were substituted “the making of a parental order in relation to”.

(4) Subsection (4) has effect as if—

(a) the words “or agency” were omitted on each occasion they appear;

(b) in paragraph (c), for “an adopted person” there were substituted “the subject of a parental order”;

(c) in paragraph (g), the words from “including” to “regarding the child” were omitted.

(5) The section has effect as if subsection (5) were omitted.

(6) Subsection (6) has effect as if there were substituted—

“(6) The court must always consider the whole range of powers available to it in the child’s case (whether under section 54 or section 54A (as the case may be) of the 2008 Act, under this Act (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) or under the Children Order); and the court must not make an order under either of those sections or under this Act also applied unless it considers that making the order would be better for the child than not doing so.”.

(7) Subsection (7) has effect as if—

(a) for “the adoption of” there were substituted “the making of a parental order in relation to”;

(b) in paragraph (a) for the words from “include” to “variation of such an order);” there were substituted “include a parental order (or the revocation of such an order);”;

(c) in paragraph (b)—

(i) the words “adoption agency or” were omitted; and

(ii) after “this Act” the words “as modified” were inserted.

3. Section 2(2) has effect without modification.

4. Section 3 has effect without modification.

5.—(1) Section 33(1), (6) and (7) (restrictions on removal) is modified as follows.

(2) Where an application for a parental order is made under section 54 of the 2008 Act (parental orders: two applicants), subsection (1) has effect as if—

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- (a) the words from “(“the people concerned”)” to “people concerned” were omitted;
- (b) for paragraph (a) there were substituted—
 - “(a) who have applied for a parental order under section 54 of the 2008 Act in respect of the child and the application has not been disposed of;”;
- (c) paragraphs (b) and (c) were omitted; and
- (d) for the words from “group of sections” to the end there were substituted “section 1 and section 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(3) Where an application for a parental order is made under section 54A of the 2008 Act (parental orders: one applicant), subsection (1) has effect as if there were substituted—

“(1) At any time when a child’s home is with a person who has applied for a parental order under section 54A of the 2008 Act in respect of the child, and the application has not been disposed of, a person may remove the child only in accordance with the provisions of this section and section 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations).”.

(4) Subsection (6) has effect as if—

- (a) paragraph (a) were omitted; and
- (b) in paragraph (b), after “this section,” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(5) Subsection (7) has effect as if for “This group of sections applies” there were substituted “This section and section 37 (as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations) apply”.

6. Section 34 (applications for adoption) has effect in respect of a parental order as if for “section 33(1)(a),” there were substituted “section 33(1) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

7.—(1) Section 38 (recovery orders) is modified as follows.

(2) Subsection (1) has effect as if—

- (a) for “any of the preceding provisions of this Chapter” there were substituted “section 33 and 34 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
- (b) paragraph (b) were omitted.

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(3) Subsection (2) has effect as if after “subsection (4)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (4) has effect as if—

(a) after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and

(b) paragraph (c) were omitted.

8.—(1) Section 43(1) to (4) (adoption orders) is modified as follows.

(2) Subsection (1) has effect as if there were substituted—

“(1) A parental order is an order transferring parental responsibility for a child to whom the order applies to the person or persons (as the case may be) who obtained the order.”.

(3) Subsection (2) has effect as if—

(a) in the opening words, for “an adoption” there were substituted “a parental”;

(b) in paragraph (a)—

(i) for “adopters or adopter” there were substituted “person or persons (as the case may be) who obtained the order”; and

(ii) for “adopted child” there were substituted “child who is the subject of the parental order”; and

(c) in paragraph (d), the word “adopted” were omitted and for “adoption” there were substituted “parental”.

(4) Subsection (3) has effect as if—

(a) in the opening words, for “an adoption” there were substituted “a parental”; and

(b) paragraph (b) were omitted.

9.—(1) Section 45 (restrictions on making adoption orders) is modified as follows.

(2) Subsection (1) has effect as if—

(a) for “an adoption order” there were substituted “a parental order”; and

(b) after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(3) Subsection (2) has effect as if for paragraphs (a) and (b) there were substituted “for a parental order”.

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10.—(1) Section 59(1) and (4) (disclosing information to adopted child) is modified as follows.

(2) Subsection (1) has effect as if for “an adopted person” there were substituted “a person in relation to whom a parental order was made and”.

(3) Subsection (4) has effect as if—

- (a) the words “adopted” and “also” were omitted;
- (b) for “adoption order” and “adoption” there were substituted “parental order”; and
- (c) at the end there were inserted—

“, but the court must not provide a copy of any prescribed document or prescribed order to the person unless that person certifies that they have—

- (a) been informed about the availability of services providing counselling in relation to the implications of compliance with the request; and
- (b) been given a suitable opportunity to receive counselling.”.

11. Section 63(1) (other provisions to be made by regulations) has effect as if—

- (a) for “this group of sections” there were substituted “the provisions of this Part in relation to the provision of information”; and
- (b) paragraphs (a) and (c) were omitted.

12. Section 64 (sections 56 to 65: interpretation) has effect as if there were substituted—

“64 Sections 55 to 64: interpretation

64. In this group of sections “prescribed” means prescribed by rules of court.”.

13. Section 66 has effect as if there were substituted—

“66 Status conferred by the grant of a parental order

(1) A person to whom a parental order applies is to be treated in law as the child of the person or persons (as the case may be) who obtained that order, and, if more than one person, is to be treated as the child of the relationship of those persons.

(2) A person to whom a parental order applies is to be treated in law as not being the child of any person other than the person or persons (as the case may be) who obtained that order, but this subsection does not affect any reference in this Act to a person’s natural parent or to any other natural relationship.

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(3) Where a parental order is granted under section 54A of the 2008 Act to a person who is a natural parent of the person to whom the order applies, subsection (2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship.

(4) This section has effect from the date of the parental order.

(5) Subject to the provisions of this Chapter (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) this section—

(a) applies for the interpretation of statutory provisions or instruments passed or made before as well as after the making of the parental order, and so applies subject to any contrary indication, and

(b) has effect as respects things done, or events occurring, on or after the making of the parental order.”.

14. Section 67(3) (adoptive relatives) has effect as if it applies in the case of a parental order under section 54 of the 2008 Act and as if for the words from “adoptive mother” onwards there were substituted “mother and father of a child who is the subject of a parental order obtained by two persons of the same sex is to be read as a reference to the child’s parents”.

15.—(1) Section 68 (rules of interpretation for instruments concerning property) is modified as follows.

(2) Subsection (1) has effect as if the words “and to Schedule 4” were omitted.

(3) Subsection (2) has effect as if—

(a) after “and (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;

(b) for “adoptive parent or parents” there were substituted “person or persons who obtained the parental order”;

(c) in paragraph (a)—

(i) for “adopted person” there were substituted “person to whom the order applies”; and

(ii) for “adoption” there were substituted “the parental order”; and

(d) in paragraph (b), for “adopted” there were substituted “who are the subject of parental orders made”.

(4) Subsection (3) has effect as if, in the note, after “subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(5) Subsection (4) has effect as if—

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- (a) after “Section 66(3)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
 - (b) for “adopted person” in both places where the words appear there were substituted “person who is the subject of a parental order”; and
 - (c) for “adoption” there were substituted “parental order is made”.
- (6) Subsection (5) has effect as if—
- (a) in paragraph (a), for “adopt” there were substituted “apply for a parental order in respect of”; and
 - (b) in paragraph (b)—
 - (i) after “section 66” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;
 - (ii) in the case of a parental order obtained under section 54 of the 2008 Act, for the words from “as her child” to “the instrument” there were substituted “for the purposes of the instrument as her child or as the child of the person with whom she obtained the order under section 54 of the 2008 Act”; and
 - (iii) in the case of a parental order obtained under section 54A of the 2008 Act, the words following “as her child” up to and including “one of the couple” were omitted.

16.—(1) Section 70 (property devolving with peerages etc) is modified as follows.

(2) The section has effect as if for the words “an adoption” in each place they appear there were substituted “a parental order”.

(3) Subsection (3) has effect as if after “Subsection (2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

17. Section 72 (meaning of disposition) has effect as if in subsections (1) and (3), after the words “this Chapter” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

18.—(1) Section 73 (miscellaneous) is modified as follows.

(2) The section has effect as if after the words “Section 66” in both places they appear there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(3) Subsection (1) has effect as if after “not apply” there were inserted “so as to prevent a child to whom a parental order applies from continuing to be treated as the child of a person who was in law the child’s parent before the order was made”.

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19. Section 74 (pensions) has effect as if for “person’s adoption” there were substituted “making of a parental order in respect of that person”.

20. Section 75(1) (insurance) has effect as if—

- (a) for “is adopted whose” there were substituted “is a child to whom a parental order applies and the child’s”;
- (b) for “adoption” there were substituted “parental order”;
- (c) for the words “adoptive parents” in both places they appear there were substituted “person or persons (as the case may be) who obtained the parental order”; and
- (d) in paragraph (b), for “are to be” there were substituted “are or is to be”.

21.—(1) Section 76 (adopted children register) is modified as follows.

(2) Section 76 has effect as if for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.

(3) Subsection (3) has effect as if—

- (a) in paragraph (a), for “adoption orders” there were substituted “parental orders”; and
- (b) in paragraph (b), after “Schedule 1” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (4) has effect as if for “adoption” there were substituted “parental order”.

(5) Subsection (5) has effect as if for the words “adopted person” in each place they appear there were substituted “person who is the subject of the parental order”.

(6) Subsection (6) has effect as if for “adoptions” and for “adoption orders” there were substituted “parental orders”.

(7) Subsection (9) has effect as if for “the adoption of a child” there were substituted “a parental order having been made in respect of a child”.

22.—(1) Section 77 (searches and copies) is modified as follows.

(2) The section has effect as if for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.

(3) Subsection (3) has effect as if for “an adopted person” there were substituted “a person who is the subject of a parental order”.

23.—(1) Section 78(1) to (3) and (7) to (9) (connections between the register and birth records) is modified as follows.

(2) Subsection (1) has effect as if—

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(a) for “marked “Adopted”” there were substituted “marked “Re-registered by the Registrar General” pursuant to paragraph 1(2) of Schedule 1 (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”; and

(b) for “Adopted Children Register” there were substituted “Parental Order Register”.

(3) Subsection (2) has effect as if after “subsection (1)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(4) Subsection (3) has effect as if—

(a) for “an adopted person” there were substituted “a person who to whom a parental order applies”; and

(b) for “the adopted person’s” there were substituted “the person’s”.

(5) Subsection (7) has effect as if for “an adopted person” there were substituted “a person to whom a parental order applies and”.

(6) Subsection (8) has effect as if for “any prescribed fee which the Registrar General has demanded must be paid, but this does not apply to an application under subsection (7)” there were substituted—

“(a) any prescribed fee which the Registrar General has demanded must be paid, but this does not apply to an application under subsection (7); and

(b) the applicant must—

(i) be informed about the availability of services providing counselling in relation to the implications of compliance with the request; and

(ii) be given a suitable opportunity to receive counselling.”.

(7) Subsection (9) has effect as if the definition of “appointed day” were omitted.

24. Section 81 (interpretation) has effect in respect of a parental order without modification.

25.—(1) Section 82(1), (5), (7) and (8) (restriction on bringing children in) is modified as follows.

(2) Subsection (1) has effect as if—

(a) paragraph (b) were omitted;

(b) for the word “adoption” in each place it appears there were substituted “an application for a parental order being made in relation to that child”; and

(c) the words “or to a child adopted” in each place they appear were omitted.

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(3) Subsection (5) has effect as if for “this section applies” there were substituted “this section (as applied with modifications made by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”.

(4) Subsection (7) has effect as if—

(a) for “this section applies” there were substituted “this section (as applied with modifications made by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”; and

(b) paragraph (a) were omitted.

26. Section 105(1) (privacy) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

27.—(1) Section 106(1) to (3) and (5) to (7) (children’s court guardians) is modified as follows.

(2) Subsection (1) has effect as if the words “in prescribed cases” were omitted.

(3) Subsection (5) has effect as if there were substituted—

“(5) In this section, “relevant application” means an application for the making or revocation of a parental order.”.

28.—(1) Section 108(1) (evidence of consent) has effect as if after “this Part” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations or by section 54(6) or section 54A(5) of the 2008 Act)”.

(2) Section 108(2) has effect without modification.

29.—(1) Section 109(3) and (5) (effect of certain Scottish orders and provisions) is modified as follows.

(2) Subsection (3) has effect as if after “(4)” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”.

(3) Subsection (5) has effect as if—

(a) after “certain provisions” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”; and

(b) after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

30.—(1) Section 110(2) and (3) (effect of certain orders made in England and Wales) is modified as follows.

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(2) Subsection (2) has effect as if after “(3)” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(3) Subsection (3) has effect as if paragraphs (a) and (b) were omitted.

31.—(1) Section 111 (use of adoption records from Great Britain, etc.) is modified as follows.

(2) Paragraph (a) has effect as if after “2007” there were inserted “(as applied with modifications by regulation 3 of and Schedule 2 to the Parental Order Regulations)”.

(3) Paragraph (b) has effect as if after “2002” there were inserted “(as applied with modifications by regulation 2 of and Schedule 1 to the Parental Order Regulations)”.

(4) Paragraph (c) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

32.—(1) Section 155(1) and (2) (regulations and orders) is modified as follows.

(2) Subsection (1) has effect as if the words “other than regulations to which subsection (2) applies” were omitted.

(3) Subsection (6) has effect as if after the words “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

33.—(1) Section 156 (rules of court) is modified as follows.

(2) Subsection (3) has effect as if—

(i) the words from “a placement order” to “order, or for an” were omitted; and

(ii) for “adoption order” there were substituted “a parental order”.

(3) The section has effect as if—

(a) for subsection (4) there were substituted—

“(4) The persons referred to in subsection (3) are every person whose agreement is required by section 54(6) or 54A(5) of the 2008 Act.”;

(b) subsection (5) were omitted.

34.—(1) Section 159(1) and (2) (general interpretation) is modified as follows.

(2) Subsection (1) has effect as if—

(a) after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;

(b) the following definitions were inserted at the appropriate places—

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“the 2008 Act” means the Human Fertilisation and Embryology Act 2008;”;

“parental order” means an order under section 54 (parental orders) or section 54A (parental orders: one applicant) of the 2008 Act”;

“the Parental Order Regulations” means the Human Fertilisation and Embryology (Parental Orders) Regulations 2018;”.

(3) Subsection (2) has effect as if after “this Act” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

35.—(1) Paragraph 1 of Schedule 1 (registrations of adoption orders) is modified as follows.

(2) Sub-paragraph (1) has effect as if—

- (a) for “adoption order” there were substituted “parental order”; and
- (b) for “Adopted Children Register” there were substituted “Parental Order Register”.

(3) Sub-paragraph (2) has effect as if—

- (a) for “an adoption order” there were substituted “a parental order”;
- (b) for “any adoption order” there were substituted “any parental order”; and
- (c) for “marked with the word “Adopted”” there were substituted “marked with the words “Re-registered by the Registrar General””;

(4) The paragraph has effect as if sub-paragraph (3) were omitted.

(5) Sub-paragraph (4) has effect as if for “an adoption order” there were substituted “a parental order”.

36.—(1) Paragraph 2 of Schedule 1 (registration of adoptions in Great Britain, the Isle of Man and the Channel Islands) is modified as follows.

(2) Sub-paragraph (1) has effect as if—

- (a) for “Sub-paragraphs (2) and (3) apply” there were substituted “Sub-paragraph (2) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations) applies”;
- (b) for “adoptions” there were substituted “parental orders”; and
- (c) for “an order has been made authorising the adoption of a child” there were substituted “a parental order has been made in respect of a child”.

(3) Sub-paragraph (2) has effect as if—

- (a) for “Adopted Children Register” there were substituted “Parental Order Register”;

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(b) for “the word “Adopted”” there were substituted “the words “Re-registered by the Registrar General””.

(4) The paragraph has effect as if sub-paragraph (3) were omitted.

(5) Sub-paragraph (4) has effect as if for “in sub-paragraphs (2) and (3)” there were substituted “in sub-paragraph (2) (as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(6) Sub-paragraph (5) has effect as if after “sub-paragraph (4)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

37.—(1) Paragraph 4 of Schedule 1 (amendment of orders and rectification of Registers and other records) is modified as follows.

(2) The paragraph has effect as if—

(a) for the words “an adoption order” in each place they appear there were substituted “a parental order”;

(b) for the words “Adopted Children Register” in each place they appear there were substituted “Parental Order Register”.

(3) Sub-paragraph (1) has effect as if for “adopter or the adopted person” there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”.

(4) Sub-paragraph (2) has effect as if—

(a) for “adopter or the adopted person” in the opening words there were substituted “person or persons (as the case may be) who obtained the order or the person who is the subject of the order”;

(b) in heads (a) and (b), for “the adopted person” there were substituted “the person who is the subject of the order”.

(5) Sub-paragraph (3) has effect as if—

(a) after “paragraph 1(2)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”;

(b) the words “or (3)” were omitted.

(6) Sub-paragraph (4) has effect as if after “(1) to (3)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(7) Sub-paragraph (7) has effect as if after “section 77(2)(b)” there were inserted “(as applied with modifications by regulation 4 of and Schedule 3 to the Parental Order Regulations)”.

(8) The paragraph has effect as if sub-paragraphs (9) and (10) were omitted.

(9) Sub-paragraph (11) has effect as if the definition of “overseas register of births” were omitted.”.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Cross Heading: The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 is up to date with all changes known to be in force on or before 24 April 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

Commencement Information

I2 Sch. 3 para. 82 not in operation at Royal Assent, see [s. 160\(1\)](#)

84.—(1) In Schedule 4 (references to adoption etc in enactments to be read as references to effect of parental order etc), paragraph 5 is amended as follows.

(2) In head (a) for the words “the Adoption (Northern Ireland) Order 1987” in each place they appear substitute “the Adoption and Children Act (Northern Ireland) 2022”.

(3) In head (b)—

(a) for “Article 50 of the Adoption (Northern Ireland) Order 1987” substitute “section 76 of the Adoption and Children Act (Northern Ireland) 2022”;

(b) for “Article 50 of that Order” substitute “section 76 of that Act”.

Commencement Information

I3 Sch. 3 para. 84 not in operation at Royal Assent, see [s. 160\(1\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Adoption and Children Act (Northern Ireland) 2022, Cross Heading: The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 is up to date with all changes known to be in force on or before 24 April 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.

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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](#)