

*Status: This version of this schedule contains provisions that are prospective.*  
*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 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*

PROSPECTIVE

## SCHEDULES

## SCHEDULE 4

Section 154(2)

## Transitional and transitory provisions and savings

*Adoption support services*

1.—(1) The facilities to be provided by an HSC trust as part of the service maintained under Article 3(1) of the Adoption (Northern Ireland) Order 1987 include such arrangements as a trust may be required by regulations to make for the provision of adoption support services to prescribed persons.

(2) Regulations under sub-paragraph (1) may require an HSC trust—

- (a) at the request of a prescribed person, to carry out an assessment of the person's needs for adoption support services,
- (b) if, as a result of the assessment, a trust decides that the person has such needs, to decide whether to provide any such services to the person,
- (c) if a trust decides to provide any such services to a person, and the circumstances fall within a description prescribed by the regulations, to prepare a plan in accordance with which the services are to be provided to the person and keep the plan under review.

(3) Subsections (7) and (8) (except paragraph (a)) of section 5 of this Act apply to regulations under sub-paragraph (1) as they apply to regulations made by virtue of that section.

(4) Article 59(1) of the Adoption (Northern Ireland) Order 1987 (prohibited payments) does not apply to any payment made in accordance with regulations under sub-paragraph (1).

(5) In this paragraph, “HSC trust” has the meaning given by Article 2 of the Adoption (Northern Ireland) Order 1987.

**Commencement Information**

II Sch. 4 para. 1 not in operation at Royal Assent, see [s. 160\(1\)](#)

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### *Pending applications for freeing orders*

2. Nothing in this Act affects any application for an order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 (freeing for adoption) where—
- (a) the application has been made and has not been disposed of immediately before the repeal of those Articles; and
  - (b) immediately before that repeal the home of the child in relation to whom the application is made is with a person with whom the child has been placed for adoption by an adoption agency.

#### **Commencement Information**

**I2** Sch. 4 para. 2 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *Freeing orders*

3.—(1) Nothing in this Act affects any order made under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 and Articles 19 to 21 of that Order are to continue to have effect in relation to such an order.

(2) Article 20 of that Order, as it has effect by virtue of this paragraph, is to apply as if, in paragraph (3)(c) after “1995” there were inserted—

“(iia) any care order, within the meaning of that Order;”.

(3) Where a child is free for adoption by virtue of an order made under Article 17 or 18 of that Order, the third condition in section 44(6) is to be treated as satisfied.

#### **Commencement Information**

**I3** Sch. 4 para. 3 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *Pending applications for adoption orders*

4. Nothing in this Act affects any application for an adoption order under Article 12 of the Adoption (Northern Ireland) Order 1987 where—

- (a) the application has been made and has not been disposed of immediately before the repeal of that Article; and
- (b) immediately before that repeal the home of the child in relation to whom the application is made is with a person with whom the child has been placed for adoption by an adoption agency.

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#### Commencement Information

**I4** Sch. 4 para. 4 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Pending applications for parental orders*

**5.** Where, immediately before the repeal of the Adoption (Northern Ireland) Order 1987, an application for a parental order has been made under section 54 or 54A of the Human Fertilisation and Embryology Act 2008 and not yet determined—

- (a) the provisions of the Adoption (Northern Ireland) Order 1987 as modified by regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018 continue to have effect in respect of the application; and
- (b) notwithstanding the amendments made by Part 2 of Schedule 3, regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2018 continue to have effect in their unamended form for the purpose of modifying the Adoption (Northern Ireland) Order 1987.

#### Commencement Information

**I5** Sch. 4 para. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *Advertising*

**6.** In Article 60 of the Adoption (Northern Ireland) Order 1987 (restrictions on advertisements)—

- (a) after paragraph (1) insert—
  - “(1A) Publishing an advertisement includes doing so by electronic means (for example, by means of the internet).”;
- (b) in paragraph (2), for the words following “conviction” substitute “to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both”.

#### Commencement Information

**I6** Sch. 4 para. 6 not in operation at Royal Assent, see [s. 160\(1\)](#)

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### *Registration of adoptions*

7.—(1) The power of the court under paragraph 4(1) of Schedule 1 to amend an order on the application of the adopter or adopted person includes, in relation to an order made before 1st December 1969, power to make any amendment of the particulars contained in the order which appears to be required to bring the order into the form in which it would have been made if paragraph 1 of that Schedule had applied to the order.

(2) In relation to an adoption order made before the commencement of the Adoption (Northern Ireland) Order 1987, the reference in paragraph 4(3) of that Schedule to paragraph 1(2) or (3) is to be read as a reference to section 14(4) or (5) of the Adoption of Children Act (Northern Ireland) 1950 or, as the case requires, section 24(4) and (5) of the Adoption Act (Northern Ireland) 1967.

#### **Commencement Information**

I7 Sch. 4 para. 7 not in operation at Royal Assent, see [s. 160\(1\)](#)

### *The Adoption (Hague Convention) Act (Northern Ireland) 1969*

8.—(1) Despite the repeal of the Adoption (Hague Convention) Act (Northern Ireland) 1969 (“the 1969 Act”) the following provisions of that Act continue to have effect—

- (a) section 5(1) (recognition of foreign determinations) so far as it applies to a determination made by an authority of any British territory outside the United Kingdom in respect of a convention adoption order and to which subsection (1)(b) of that section applies,
- (b) in section 6 (annulment etc.)—
  - (i) subsection (1) so far as it applies to convention adoption orders, and
  - (ii) subsections (3) and (4) so far as they apply to determinations,
- (c) in section 8 (registration)—
  - (i) subsection (3) so far as it applies to convention adoption orders or any entry or mark erroneously made in pursuance of subsection (2) of that section, and
  - (ii) subsection (4).

(2) Despite the repeal of the 1969 Act, the following provisions of that Act continue to have effect so far as they are necessary for the purposes of subparagraph (1)—

- (a) section 7 (provisions supplemental to section 6),
- (b) section 9 (nationality),

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- (c) section 10 (supplemental),
- (d) section 11 (rules),
- (e) section 12 (interpretation).

(3) In this paragraph—

“the 1969 Act” means the Adoption (Hague Convention) Act (Northern Ireland) 1969,

“convention adoption order” means an order under Article 12(1) of the Adoption (Northern Ireland) Order 1987 made in accordance with section 1(1) of the 1969 Act,

“determination” means a determination that has effect by virtue of section 5(1) of the 1969 Act.

#### Commencement Information

**18** Sch. 4 para. 8 not in operation at Royal Assent, see [s. 160\(1\)](#)

#### *The Child Abduction (Northern Ireland) Order 1985*

**9.** Paragraph 5 of Schedule 3 does not affect the Schedule to the Child Abduction (Northern Ireland) Order 1985 in its application to a child who is the subject of—

- (a) an order under Article 17 or 18 of the Adoption (Northern Ireland) Order 1987 freeing the child for adoption;
- (b) a pending application for such an order; or
- (c) a pending application for an order under Article 12 of that Order.

#### Commencement Information

**19** Sch. 4 para. 9 not in operation at Royal Assent, see [s. 160\(1\)](#)

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 1 repealed by [2022 c. 18 \(N.I.\) Sch. 5](#)

**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](#)