



Adoption (Hague Convention) Act (Northern Ireland) 1969

1969 CHAPTER 22

FURTHER PROVISION FOR ADOPTION IN NORTHERN IRELAND

[^{F1}1] **Convention adoption orders.**

- (1) An adoption order shall be made as a convention adoption order if the application is for a convention adoption order and the following conditions are satisfied both at the time of the application and when the order is made.
- (2) The child—
 - (a) must be a United Kingdom national or a national of a convention country, and
 - (b) must reside in British territory or a convention country.
- (3) The applicant or applicants and the child must not all be United Kingdom nationals living in British territory.
- (4) If the application is by a married couple, either—
 - (a) each must be a United Kingdom national or a national of a convention country, and both must reside in Northern Ireland, or
 - (b) both must be United Kingdom nationals, and each must reside in British territory or a convention country,and if the applicants are nationals of the same convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.
- (5) If the application is by one person, either—
 - (a) he must be a national of a convention country, and must reside in Northern Ireland, or
 - (b) he must be a United Kingdom national, and must reside in British territory or a convention country,

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Changes to legislation: Adoption (Hague Convention) Act (Northern Ireland) 1969 is up to date with all changes known to be in force on or before 19 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)

and if he is a national of a convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.

- (6) If the child is not a United Kingdom national the order shall not be made—
- (a) except in accordance with the provisions, if any, relating to consents and consultations of the internal law relating to adoption of the convention country of which the child is a national, and
 - (b) unless the court is satisfied that each person who consents to the order in accordance with that internal law does so with full understanding of what is involved.
- (7) The reference to consents and consultations in subsection (6) does not include a reference to consent by and consultation with the applicant and members of the applicant's family (including his or her spouse), and for the purposes of subsection (6) consents may be proved in the manner prescribed by rules and the court shall be treated as the authority by whom, under the law mentioned in subsection (6), consents may be dispensed with and the adoption in question may be effected; and where the provisions there mentioned require the attendance before that authority of any person who does not reside in Northern Ireland, that requirement shall be treated as satisfied for the purposes of subsection (6) if—
- (a) that person has been given a reasonable opportunity of communicating his opinion on the adoption in question to the proper officer or clerk of the court, or to an appropriate authority of the country in question, for transmission to the court; and
 - (b) where he has availed himself of that opportunity, his opinion has been transmitted to the court.
- (8) In subsections (4) and (5) “specified provision” means a provision specified in an order under section 17(8) of the Adoption Act 1976 as one notified to the Government of the United Kingdom in pursuance of the provisions of the Convention which relate to prohibitions on an adoption contained in the national law of the convention country in question.]

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2 Application of Order of 1987 to convention adoption orders.

The Order of 1987 shall have effect in relation to an adoption order to be made as a convention adoption order subject to the following modifications—

- (a) in Article 14(2) (adoption by married couples), at the end there shall be added “ or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with ”;
- (b) in Article 15(2) (adoption by one person), at the end there shall be added “ or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with ”;
- (c) in Article 16(2) (parental agreement) at the end there shall be inserted —

“(2A) Paragraph (1) does not apply in any case where the child is not a United Kingdom national and the application for the adoption order is for a convention adoption order.”

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