

These notes refer to the Adoption (Intercountry Aspects) (Northern Ireland) 2001 (c.11) which received Royal Assent on 2 July 2001

Adoption (Intercountry Aspects) (Northern Ireland) 2001

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. The Act amends the Adoption (Northern Ireland) Order 1987, and related legislation, in respect of intercountry adoption. Equivalent legislation in England, Wales and Scotland, the Adoption (Intercountry Aspects) Act 1999, was designed to enable the United Kingdom to ratify the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. The Act implements the Convention in Northern Ireland, mainly through the introduction of regulation-making powers for the Department of Health, Social Services and Public Safety.
4. The Hague Convention is a framework setting out minimum standards for the process of intercountry adoption to work in the best interests of the children concerned and to enable countries to absorb its Articles within their own substantive law. The Convention is underpinned by the 1989 United Nations Convention on the Rights of the Child which set out principles concerning the rights of children and included a reference to adoption where a child cannot live with his or her own birth parents. “Intercountry adoption” is a general term referring to the adoption of a child resident abroad by a resident of this country (at present there are about 25 – 30 such adoptions each year in Northern Ireland). It may also refer to the adoption of a child from this country by a resident overseas.
5. In broad terms, the Act places the existing arrangements for intercountry adoptions on a statutory basis. It also ensures that such adoptions only take place when it is in the best interests of the child. The Act creates two new offences which make it unlawful (a) for anyone, other than an adoption agency, to assess the suitability of persons as prospective adopters of children from overseas, and (b) to bring a child into Northern Ireland for the purposes of adoption without certain conditions, which will be prescribed by regulations, being satisfied.