



2001 CHAPTER 11

Implementation of Convention

Regulations giving effect to Convention

1.—(1) Subject to the provisions of this Act, regulations made by the Department of Health, Social Services and Public Safety (“the Department”) may make provision for giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993 (“the Convention”).

(2) The text of the Convention (so far as material) is set out in the Schedule.

(3) Regulations under this section may—

(a) apply, with or without modifications, any statutory provision relating to adoption;

(b) provide that any person who contravenes any provision of the regulations is to be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both; and

(c) make such incidental, supplementary, consequential or transitional provision as appears to the Department to be expedient.

(4) Regulations under this section shall be subject to negative resolution.

(5) Any power to make subordinate legislation under or for the purposes of any statutory provision relating to adoption includes power to do so with a view to giving effect to the provisions of the Convention.

Changes to legislation: There are currently no known outstanding effects for the Adoption (Inter-country Aspects) Act (Northern Ireland) 2001, Cross Heading: Implementation of Convention. (See end of Document for details)

Central Authority and accredited bodies

2.—(1) The functions under the Convention of the Central Authority shall be discharged in relation to Northern Ireland by the Department.

(2) A communication may be sent to the Central Authority in relation to Northern Ireland by sending it to the Central Authority in relation to England (for forwarding to the Central Authority in relation to Northern Ireland).

[^{F1}(2A) A voluntary adoption agency in respect of which a person is registered under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 is an accredited body for the purposes of the Convention if, in accordance with the conditions of the registration, the agency may provide facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.]

(3) A registered adoption society is an accredited body for the purposes of the Convention if its registration extends to the provision of facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.

(4) The functions under Article 9(a) to (c) of the Convention are to be discharged by Boards, [^{F2}HSC trust] and accredited bodies on behalf of the Central Authority.

[^{F3}(5) In this section “voluntary adoption agency” has the same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003; and expressions which are also used in the Adoption (Northern Ireland) Order 1987 (NI 22) (“the 1987 Order”) have the same meaning as in that Order.]

F1 S. 2(2A) inserted (29.10.2010) by [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, [art. 3](#), Sch. 1

F2 Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

F3 S. 2(5) substituted (29.10.2010) by [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(1), Sch. 4; S.R. 2010/288, [art. 3](#), Sch. 1

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There are currently no known outstanding effects for the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001, Cross Heading: Implementation of Convention.