

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

CONVENTION ADOPTIONS - SECTIONS 3 TO 6

Section 5 - Annulment etc of Convention adoptions

24. **Section 5** inserts a new Article 55A into the 1987 Order. This permits the High Court to annul (on application) a Convention adoption or a Convention adoption order on the ground that the particular adoption or order is contrary to public policy, or that the authority, which purported to authorise the adoption, was not so authorised. The effect of any annulment will be that the adoption will cease to have effect in Northern Ireland. Similar provision is made for overseas adoptions and determinations not covered by the Convention.
25. This amendment also provides that the validity of a Convention adoption, a Convention adoption order, an overseas adoption or determination shall not be challenged in any court in Northern Ireland, except by means of an application under Article 55A.
26. **Section 5** also inserts a new Article 55B into the 1987 Order. This contains supplementary provisions to Article 55A. It concerns the manner of applications to the High Court and how the court is to gauge the competence of an authority which purported to authorise an adoption as referred to in Article 55A. In this regard the court is to be bound by any finding of fact by the authority in relation to its competence.