

## STATUTORY INSTRUMENTS

# 1987 No. 2203

## The Adoption (Northern Ireland) Order 1987

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Evidence and procedure*

##### **Evidence of agreement and consent**

**62.**—(1) Any agreement or consent which is required by this Order to be given to the making of an order or application for an order may be given in writing, and, if the document signifying the agreement or consent is witnessed in accordance with adoption rules, it shall be admissible in evidence without further proof of the signature of the person by whom it was executed.

(2) A document signifying such agreement or consent which purports to be witnessed in accordance with adoption rules shall be presumed to be so witnessed, and to have been executed and witnessed on the date and at the place specified in the document, unless the contrary is proved.

##### **Modifications etc. (not altering text)**

**C1** Art. 62(1) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, [Sch. 2](#)

##### **Evidence of adoptions, etc.**

**63.**—(1) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall—

- (a) without any further or other proof of that entry, be received as evidence of the adoption to which it relates; and
- (b) where the entry contains a record of the date of the birth of the adopted person or of the country or the registration district in which he was born, be also received as evidence of that date or country or district.

(2) Any document which under section 50(2) of the Adoption Act 1976<sup>F1</sup> or [<sup>F2</sup>section 56 of the Adoption and Children (Scotland) Act 2007] or any corresponding provision of any other Act is receivable as evidence of any matter in any part of Great Britain shall also be so receivable in Northern Ireland.

(3) An adoption, other than one to which paragraph (1) or (2) relates, may be proved by the production of any document which is receivable as evidence of the adoption in the country under whose law the adoption was made.

**F1** 1976 c. 36

**Changes to legislation:** *The Adoption (Northern Ireland) Order 1987, Cross Heading: Evidence and procedure is up to date with all changes known to be in force on or before 18 March 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*

**F2** Words in art. 63(2) substituted (15.7.2011) by [Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), arts. 1(2), 2, **Sch. 1 para. 11(8)**

**Modifications etc. (not altering text)**

**C2** [Art. 63\(1\)\(2\)](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

**Removal of proceedings and appeals**

**64.**—(1) <sup>F3</sup> . . . where any application is made under this Order to a county court, the High Court may, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.

(2) <sup>F3</sup> . . . where an application is made under this Order to a county court and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the county court shall refuse to make an order, and in that case no appeal shall lie under paragraph (3).

(3) Subject to<sup>F3</sup> paragraph (2)] and without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980<sup>F4</sup> any person aggrieved with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of the County Courts (Northern Ireland) Order 1980 and the appeal were brought under Article 60 of that Order.

*Para. (4) rep. by 1995 NI 2*

**F3** [1995 NI 2](#)

**F4** [1980 NI 3](#)

**Modifications etc. (not altering text)**

**C3** [Art. 64\(3\)](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

**Proceedings to be in private**

**65.** Proceedings under Part III, Article 30 and Article 57—

- (a) in the High Court, may be disposed of in chambers;
- (b) in a county court, shall be heard and determined in chambers.

**Modifications etc. (not altering text)**

**C4** [Art. 65](#) applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

**[<sup>F5</sup>Guardians ad litem**

**66.**—(1) For the purpose of any application for an adoption order or an order freeing a child for adoption or an order under Article 20 or 57, an authorised court shall appoint a guardian ad litem for the child concerned.

(2) The guardian ad litem—

- (a) shall be appointed in accordance with adoption rules; and
- (b) shall be under a duty to safeguard the interests of the child in the prescribed manner.]

**F5** 1995 NI 2

**Modifications etc. (not altering text)**

**C5** Art. 66 applied (with modifications) (6.4.2010) by [Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 3, **Sch. 2**

**Panels for selection of guardians ad litem**

**66A.**—(1) The Department may by regulations provide for the establishment of panels of persons from whom guardians ad litem appointed under Article 66 must be selected.

(2) The regulations may, in particular, make provision—

- (a) for the constitution, administration and procedures of panels and for the appointment of panel managers;
- (b) for the defrayment of expenses and for the payment of fees and allowances;
- (c) as to the qualifications for appointment as a guardian ad litem;
- (d) as to the training to be given to guardians ad litem or to persons with a view to their appointment as guardians ad litem; and
- (e) for monitoring the work of guardians ad litem.

(3) Adoption rules may make provision as to the assistance which any guardian ad litem may be required by the court to give to it.

(4) The Department may, with the approval of the Department of Finance and Personnel, make such grants as the Department considers appropriate with respect to expenditure incurred under regulations made under this Article.

**Adoption rules**

**67.**—(1) In the case of—

- (a) an application for an adoption order in relation to a child who is not free for adoption;
- (b) an application for an order freeing a child for adoption;

rules shall require every person who can be found and whose agreement or consent to the making of the order is required under this order to be notified of a date and place where he will be heard on the application and of the fact that, unless he wishes or the court requires, he need not attend.

(2) In the case of an application under Article 57, rules shall require every parent and guardian of the child who can be found to be notified as aforesaid.

**Changes to legislation:**

The Adoption (Northern Ireland) Order 1987, Cross Heading: Evidence and procedure is up to date with all changes known to be in force on or before 18 March 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.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 6(2) words inserted by [S.I. 2019/1514 reg. 29\(4\)](#)
- art. 60(1A) inserted by [2022 c. 18 \(N.I.\) Sch. 4 para. 6\(a\)](#)