
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous provisions

Adoption by persons domiciled outside Northern Ireland

57.—(1) Where on an application made in respect of a child by a person who is not domiciled in Northern Ireland an authorised court is satisfied that he intends to adopt the child under the law of or within the country in which the applicant is domiciled, and for that purpose desires to remove the child from Northern Ireland either immediately or after an interval, the court may, subject to the provisions of this Article, make an order vesting in him the parental rights and duties relating to the child.

(2) The provisions of Part III relating to adoption orders, except Articles 12(1), 14(2), 15(2), 17 to 21 and 26, shall apply in relation to an order under this Article as they apply in relation to adoption orders subject to the modification that in Article 13(1) for “19” and “13” there are substituted “32” and “26” respectively.

(3) Articles 50, 51(1), 53(1) and 54 shall apply in relation to an order under this Article, except that any entry in the Register of Births or in the Adopted Children Register which is required to be marked in consequence of the making of an order under this Article shall, in lieu of being marked with the word “Adopted” or “Re-adopted” be marked with the words “Proposed foreign adoption” or “Proposed foreign re-adoption”, as the case may require.

(4) References in Articles 28, 29, 31, 32 and 33 to an adoption order include references to an order under this Article.

Restriction on removal of children for adoption outside Northern Ireland

58.—(1) Except under the authority of an order under Article 57 it shall not be lawful for any person to take or send a child who is a British subject or a citizen of the Republic of Ireland out of Northern Ireland to any place outside the British Islands with a view to the adoption of the child by any person not being a parent or guardian or relative of the child; and any person who takes or sends a child out of Northern Ireland to any place in contravention of this paragraph, or makes or takes part in any arrangements for transferring the actual custody of a child to any person for that purpose, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(2) In any proceedings under this Article, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(3) In this Article “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

Prohibition on certain payments

59.—(1) Subject to the provisions of this Article it shall not be lawful for any person to make or give any payment or reward whatsoever in consideration of or in connection with the adoption of any child.

(2) Paragraph (1) shall not apply to—

- (a) any payment made to or received by an adoption agency in connection with the adoption of a child being a payment in respect of expenses reasonably incurred by the agency in connection with the adoption of the child;
- (b) any payment or reward the receipt or making of which is authorised by the court to which an application is made for an adoption order in respect of a child, or pursuant to any agreement, whether entered into before or after the making of the application, with respect to the receipt or making of any such payment or reward as may be so authorised;
- (c) any payment made by or on behalf of a registered adoption society in respect of the maintenance of a child who has been placed at the disposition of the society;
- (d) any payment made to a registered adoption society by the parent or guardian of a child or by any other person in respect of the maintenance of the child so long as the child is not in the actual custody of an adopter, being a payment made weekly and at a rate not exceeding such rate as may be prescribed.

(3) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this Article, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both; and the court may order any child in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(4) If an adoption agency submits to the Department a scheme for the payment by the agency of allowances to persons who have adopted or intend to adopt a child where arrangements for the adoption were made, or are to be made, by that agency, and the Department approves the scheme, this Article shall not apply to any payment made in accordance with the scheme.

(5) The Department, in the case of a scheme approved by it under paragraph (4), may—

- (a) make, or approve the making by the agency of, alterations to the scheme;
- (b) revoke the scheme.

(6) The Department shall within 7 years of the commencement date and, thereafter, every 5 years, publish a report on the operation of the schemes since that time or since the publication of the last report.

(7) Subject to paragraph (8), paragraph (4) shall expire on the seventh anniversary of the commencement date.

(8) The Department may by order made subject to affirmative resolution at any time before the said anniversary repeal paragraph (7).

(9) An order under paragraph (8) shall not be made unless a report has been published under paragraph (6).

(10) Notwithstanding the expiry of paragraph (4) or the revocation of a scheme approved under this Article, paragraph (1) shall not apply in relation to any payment made, whether before or after

the expiry of paragraph (4) or the revocation of the scheme, in accordance with a scheme which was approved under this Article to a person to whom such payments were made—

- (a) where the scheme was not revoked, before the expiry of paragraph (4), or
- (b) if the scheme was revoked, before the date of its revocation.

(11) In this Article “commencement date” means the day appointed under Article 1(2) for the coming into operation of this Article.

Restriction on advertisements

60.—(1) It shall not be lawful for any advertisement to be published indicating—

- (a) that the parent or guardian of a child desires to cause a child to be adopted; or
- (b) that a person desires to adopt a child; or
- (c) that any person (not being an adoption agency) is willing to make arrangements for the adoption of a child.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Prohibition of wrongful disclosure of information

61. Any person who, being or having been—

- (a) a member of, or of a committee of, an adoption agency, or
- (b) employed by, or by a committee of, an adoption agency,

publishes or communicates whether directly or indirectly, otherwise than in the ordinary course of duty, to any person without lawful authority any information obtained in the course of his membership or employment relating to the adoption or intended or proposed adoption of any child shall (without prejudice to any right of any such body to dismiss on the ground of misconduct such a person who makes such publication or communication while in their employment) be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.