STATUTORY RULES OF NORTHERN IRELAND

2002 No. 144

ADOPTION

The Adoption of Children from Overseas Regulations (Northern Ireland) 2002

Made - - - -	*11th April 2002*
Coming into operation	*13th May 2002*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 10 and 58ZA(**2**) of the Adoption (Northern Ireland) Order 1987(**3**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Adoption of Children from Overseas Regulations (Northern Ireland) 2002 and shall come into operation on 13th May 2002.

Interpretation

2. In these Regulations—

"the 1987 Order" means the Adoption (Northern Ireland) Order 1987;

"the 1989 Regulations" means the Adoption Agencies Regulations (Northern Ireland) 1989(**4**);

"adoption panel" means a panel established in accordance with Regulation 5 or 5A of the 1989 Regulations(**5**);

"prospective adopter" means a person habitually resident in the British Islands who at any time brings into the United Kingdom for the purpose of adoption (other than adoption by a parent, guardian or relative) a child who is habitually resident outside those Islands.

Requirements applying to prospective adopters

3.—(1) The requirements which a prospective adopter must satisfy before bringing a child into the United Kingdom are those prescribed in paragraph (2).

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) Article 58ZA was inserted by Section 12 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 c. 11
(**3**) S.I. 1987/2203 (N.I. 22) as amended by S.I. 1994/429 (N.I. 2), S.I. 1995/755 (N.I. 2) and 2001 c. 11 (N.I.)
(**4**) S.R. 1989 No. 253 relevant amending instrument is: S.R. 1994 No. 65
(**5**) Regulation 5A was inserted by paragraph 1(*c*) of Schedule 22 to S.R. 1994 No. 65

(2) The requirements are that—

(a) the prospective adopter has applied to an adoption agency for assessment of his suitability to be an adoptive parent and has followed such procedure and provided such information to the agency as it may request in order to enable it to undertake such an assessment;

(b) an adoption agency has notified the prospective adopter in writing of a decision to approve him as suitable to be an adoptive parent; and

(c) the Secretary of State for Health has notified the prospective adopter in writing that he is prepared to issue a certificate confirming to the relevant overseas authority that the prospective adopter has been assessed and approved as suitable to be an adoptive parent and that the child will be authorised to reside permanently within the British Islands, if entry clearance is granted and an adoption order is made.

(3) A prospective adopter must also within the period of fourteen days beginning with the date on which he brings the child into the United Kingdom give notice to the HSS trust within whose area he has his home of—

(a) his intention to apply for an adoption order, in accordance with Article 22 of the 1987 Order(**6**); or

(b) his intention not to give the child a home.

(4) In this Regulation—

"adoption agency" includes an adoption agency within the meaning of section 1 of the Adoption Act 1976(**7**) and section 1 of the Adoption (Scotland) Act 1978(**8**);

"the relevant overseas authority" means a person performing functions in the country in which the child is habitually resident which correspond to the functions of an adoption agency;

"entry clearance" has the same meaning as in the Immigration Act 1971(**9**).

Duties of an adoption agency and adoption panel functions in respect of a prospective adopter

4.—(1) This regulation applies to—

(a) a HSS trust to which a prospective adopter has applied for assessment in accordance with regulation 3(2)(*a*); and

(b) a registered adoption society which has agreed to assess a prospective adopter who has applied to it in accordance with that regulation.

(2) The adoption agency shall assess a prospective adopter in accordance with regulation 8 (adoption agency's duties in respect of a prospective adopter) of the 1989 Regulations.

(3) An adoption panel to which the case of a prospective adopter is referred shall consider the case and make a recommendation to the referring adoption agency as to whether the prospective adopter is suitable to be an adoptive parent, in accordance with regulation 10 (adoption panel functions) of the 1989 Regulations.

(4) The adoption agency shall—

(a) make a decision as to the suitability of the prospective adopter to be an adoptive parent and notify him of its decision, in accordance with regulation 11 (adoption agency decisions and notifications—prospective adopters) of the 1989 Regulations; and

(**6**) Article 22 was amended by paragraph 148 of Schedule 9 to S.I. 1995/755 (N.I. 2)
(**7**) 1976 c. 36
(**8**) 1978 c. 28
(**9**) 1971 c. 77