



Adoption (Hague Convention) Act (Northern Ireland) 1969

1969 CHAPTER 22

An Act to make provision for extending the powers of the court to make orders with respect to the adoption of children; for enabling effect to be given in Northern Ireland to adoptions effected in other countries and to determinations of authorities in other countries with respect to adoptions; and for purposes connected with the matters aforesaid. [11th November 1969]

FURTHER PROVISION FOR ADOPTION IN NORTHERN IRELAND

[^{F1}1 Convention adoption orders.

- (1) An adoption order shall be made as a convention adoption order if the application is for a convention adoption order and the following conditions are satisfied both at the time of the application and when the order is made.
- (2) The child—
 - (a) must be a United Kingdom national or a national of a convention country, and
 - (b) must reside in British territory or a convention country.
- (3) The applicant or applicants and the child must not all be United Kingdom nationals living in British territory.
- (4) If the application is by a ^{F2}... couple, either—
 - (a) each must be a United Kingdom national or a national of a convention country, and both must reside in Northern Ireland, or
 - (b) both must be United Kingdom nationals, and each must reside in British territory or a convention country,

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and if the applicants are nationals of the same convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.

- (5) If the application is by one person, either—
- (a) he must be a national of a convention country, and must reside in Northern Ireland, or
 - (b) he must be a United Kingdom national, and must reside in British territory or a convention country,

and if he is a national of a convention country the adoption must not be prohibited by a specified provision (as defined in subsection (8)) of the internal law of that country.

- (6) If the child is not a United Kingdom national the order shall not be made—
- (a) except in accordance with the provisions, if any, relating to consents and consultations of the internal law relating to adoption of the convention country of which the child is a national, and
 - (b) unless the court is satisfied that each person who consents to the order in accordance with that internal law does so with full understanding of what is involved.

- (7) The reference to consents and consultations in subsection (6) does not include a reference to consent by and consultation with the applicant and members of the applicant's family (including his or her spouse [^{F3}or civil partner]), and for the purposes of subsection (6) consents may be proved in the manner prescribed by rules and the court shall be treated as the authority by whom, under the law mentioned in subsection (6), consents may be dispensed with and the adoption in question may be effected; and where the provisions there mentioned require the attendance before that authority of any person who does not reside in Northern Ireland, that requirement shall be treated as satisfied for the purposes of subsection (6) if—

- (a) that person has been given a reasonable opportunity of communicating his opinion on the adoption in question to the proper officer or clerk of the court, or to an appropriate authority of the country in question, for transmission to the court; and
- (b) where he has availed himself of that opportunity, his opinion has been transmitted to the court.

- (8) In subsections (4) and (5) “specified provision” means a provision specified in an order under section 17(8) of the Adoption Act 1976 as one notified to the Government of the United Kingdom in pursuance of the provisions of the Convention which relate to prohibitions on an adoption contained in the national law of the convention country in question.]

[^{F4}(9) In subsection (4) “couple” has the same meaning as in the Order of 1987 (see Article 2 of that Order).]

F1 1987 NI 22

F2 Word in s. 1(4) omitted (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **29(2)(a)** (with regs. 6-9)

F3 Words in s. 1(7) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **29(2)(b)** (with regs. 6-9)

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F4 S. 1(9) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **29(2)(c)** (with regs. 6-9)

2 Application of Order of 1987 to convention adoption orders.

The Order of 1987 shall have effect in relation to an adoption order to be made as a convention adoption order subject to the following modifications—

- (a) in Article [F5 14(4) (adoption by couples)] , at the end there shall be added “ or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with ”;
- (b) in Article 15(2) (adoption by one person), at the end there shall be added “ or the application is for a convention adoption order and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 is complied with ”;
- (c) in Article 16(2) (parental agreement) at the end there shall be inserted —

“(2A) Paragraph (1) does not apply in any case where the child is not a United Kingdom national and the application for the adoption order is for a convention adoption order.”

F5 Words in s. 2(a) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **29(3)** (with regs. 6-9)

RECOGNITION OF FOREIGN ADOPTIONS AND ADOPTION PROCEEDINGS

4 Extension of enactments to certain foreign adoptions.

Subs. (1),(2) rep. by 1987 NI 22

- (3) In this Act “foreign adoption” means an adoption specified by an order made under[F6 section 72(2) of the Adoption Act 1976] and evidence of a foreign adoption may be given in the manner provided by the order.

F6 [1995 NI 2](#)

5 Recognition of foreign determinations in adoption proceedings.

- (1) Where an authority of a convention country[F7 or any British territory[F8 outside the United Kingdom] having power under the law of that country or territory]
 - (a) to authorise or review the authorisation of a foreign convention adoption[F9 . . . ;
 - or
 - (b) to give or review a decision revoking or annulling a foreign convention adoption, F9 . . . or a convention adoption order;

makes a determination in the exercise of that power, then, subject to section 6 of this Act and any subsequent determination having effect under this subsection, the determination shall have effect in Northern Ireland for the purpose of effecting,

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confirming or terminating the adoption in question or confirming its termination, as the case may be.

- (2) In this Act “foreign convention adoption” means a foreign adoption of a description designated by an order made under^{F8} section 72(2) of the Adoption Act 1976] as that of an adoption regulated by the Convention.

F7	1987 NI 22
F8	1995 NI 2
F9	2001 c. 11 (NI)

6 Annulment etc., of certain foreign adoptions and determinations.

- (1) The court may, upon an application under this subsection, by order annul [^{F10} an adoption effected by a foreign convention order or] a foreign convention adoption—
- (a) on the ground that at the relevant time the adoption was prohibited by a notified provision, if under the internal law then in force in the country of which the adopter was then a national or the adopters were then nationals the adoption could have been impugned on that ground;
 - (b) on the ground that at the relevant time the adoption contravened provisions relating to consents of the internal law relating to adoption of the country of which the adopted person was then a national, if under that law the adoption could then have been impugned on that ground;
 - (c) on any other ground on which the adoption can be impugned under the law for the time being in force in the country in which the adoption was effected.
- (2) Where a person adopted by his father or mother alone by virtue of a foreign convention adoption has subsequently become a legitimated person on the marriage of [^{F11}, or formation of a civil partnership by,] his father and mother, the court may, upon an application under this subsection by the parties concerned, by order revoke the adoption.
- (3) The court may, upon an application under this subsection—
- (a) order that a foreign adoption or a determination shall cease to be valid in Northern Ireland on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case;
 - (b) decide the extent, if any, to which a determination has been affected by a subsequent determination.
- (4) Except as provided by this section, the validity of a foreign adoption or a determination shall not be impugned in proceedings in any court in Northern Ireland.

F10	1978 c.22
F11	Words in s. 6(2) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514) , regs. 1(2), 29(4) (with regs. 6-9)