



Northern Ireland
Assembly

Adoption and Children Bill

Annotated Marshalled List of Amendments
Consideration Stage

Monday 14 February 2022

Amendments tabled up to 9.30am Wednesday, 9 February 2022 and selected for debate

The Bill will be considered in the following order-

Clauses, Schedules and Long Title

Amendment 1 [Made]

Clause 3, Page 4, Line 6

Leave out from 'are' to end of line 7 and insert 'are to its operational area as specified under paragraph 3A of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.'

Minister of Health

Amendment 2 [Made]

Clause 3, Page 4, Line 9

Leave out subsection (5)

Minister of Health

Amendment 3 [Made]

Clause 5, Page 5, Line 14

Leave out ‘that person is within a prescribed description.’ and insert -
‘—

- (a) that person is a child who may be adopted;
- (b) that person is a parent or guardian of a child who may be adopted;
- (c) that person is a person wishing to adopt a child;
- (d) that person is an adopted person;
- (e) that person is a parent, natural parent or former guardian of an adopted person; and
- (f) that person is within a prescribed description.’

Chair, Committee for Health

Amendment 4 [Made]

Clause 102, Page 60, Line 20

At end insert -

‘(aa) assisting a natural parent of a person referred to in paragraph (a) to obtain information in relation to that person’s adoption; and’

Minister of Health

Amendment 5 [Made]

Clause 102, Page 60, Line 21

Leave out ‘such persons’ and insert ‘persons referred to in paragraph (a)’

Minister of Health

Amendment 6 [Made]

Clause 102, Page 60, Line 24

At end insert -

‘(2A) Regulations under section 9 may make provision for the purpose of authorising or requiring adoption agencies in prescribed circumstances to disclose or provide access to prescribed information relating to the adoption of a person adopted before the appointed day who has attained the age of 18.’

Minister of Health

Amendment 7 [Made]

Clause 102, Page 60, Line 34

Leave out lines 34 and 35 and insert -

‘(4A) For a purpose within subsection (1), (2) or (2A) the regulations may impose conditions on the disclosure of information, including conditions restricting its further disclosure.’

Minister of Health

Amendment 8 [Made]

Clause 102, Page 60, Line 37

After ‘subsection’ insert ‘(2A) or’

Minister of Health

Amendment 9 [Made]

Clause 102, Page 60, Line 38

After ‘(4)(b)’ insert ‘; but an adopted person (“A”) may not be required to pay any fee in respect of any information disclosed to A or to which A was provided access’

Minister of Health

Amendment 10 [Made]

Clause 102, Page 60, Line 40

After ‘subsection’ insert ‘(2A) or’

Minister of Health

Amendment 11 [Made]

Clause 119, Page 71

Leave out lines 19 to 30 and insert -

‘(3) An authority must at the request of—

- (a) a relevant child;
 - (b) a special guardian of a relevant child;
 - (c) a prospective special guardian of a relevant child;
 - (d) a parent of a relevant child; or
 - (e) any other person who falls within a prescribed description (subject to sub-paragraph (za) of paragraph (9)),
- carry out an assessment of that person’s needs for special guardianship support services.

(3A) In paragraph (3)—

- (a) “relevant child” means a child in respect of whom—

- (i) a special guardianship order is in force;
- (ii) a person has given notice to an authority under Article 14A(7) of intention to make an application for a special guardianship order; or
- (iii) a court is considering whether a special guardianship order should be made and has asked an authority to conduct an investigation and prepare a report under Article 14A(9);
- (b) “prospective special guardian” means a person—
 - (i) who has given notice to an authority under Article 14A(7) of the person’s intention to make an application for a special guardianship order; or
 - (ii) in respect of whom a court has requested that an authority conduct an investigation and prepare a report under Article 14A(9).’

Minister of Health

Amendment 12 [Made]

Clause 119, Page 71, Line 39

Leave out from ‘that’ to end of line 40 and insert -

‘_

- (a) that person is a child with respect to whom a special guardianship order has been applied for;
- (b) that person is a parent or guardian of a child with respect to whom a special guardianship order has been applied for;
- (c) that person is a person wishing to become a special guardian;
- (d) that person is a child with respect to whom a special guardianship order is in force;
- (e) that person is a parent or former guardian of a child with respect to whom a special guardianship order is in force; and
- (f) that person is within a prescribed description.’

Chair, Committee for Health

Amendment 13 [Made]

Clause 119, Page 72, Line 12

At end insert -

- ‘(za) as to the circumstances in which a person mentioned in sub-paragraph (e) of paragraph (3) is to have a right to request an assessment of that person’s needs in accordance with that paragraph;’

Minister of Health

Amendment 14 [Made]

Clause 122, Page 74, Line 37

After ‘promote’ insert ‘, facilitate and support’

Chair, Committee for Health

Amendment 15 [Made]

Clause 122, Page 74, Line 37

Leave out ‘educational achievement’ and insert ‘achievement and development in relation to education or training’

Chair, Committee for Health

Amendment 16 [Made]

Clause 130, Page 83, Line 23

Leave out from ‘is’ to ‘follows’ on line 24 and insert ‘is amended in accordance with paragraphs (3) to (7)’

Minister of Health

Amendment 17 [Made]

Clause 130, Page 84, Line 26

At end insert -

‘(8) In Article 183 of the Children Order (regulations and orders), after paragraph (2) insert—
“(2A) Regulations under Article 35D(1A) or Article 45(4A) must not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.’

Minister of Health

Amendment 18 [Made]

Clause 132, Page 85, Line 4

At beginning insert ‘Independent’

Minister of Health

Amendment 19 [Made]

Clause 133, Page 85, Line 25

Leave out from ‘in the’ to end of line 27 and insert -

‘, at the appropriate place insert—

“‘impairment of health or development’ includes, for example, impairment suffered as a result of—

(a) the ill-treatment of another, or

(b) behaviour directed at another that falls within section 2 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (what amounts to abusive behaviour),

whether or not the child who suffered the impairment saw or heard, or was present during that ill-treatment or behaviour;”.’

Minister of Health

Amendment 20 [Made]

Clause 133, Page 85, Line 27

At end insert -

‘(2) In Article 12A(1) of the Children Order (residence and contact orders and domestic violence), for the words from “through seeing” to the end of the paragraph substitute “as a result of any behaviour of the prohibited person.”.’

Minister of Health

Amendment 21 [Made]

Clause 143

Leave out clause 143 and insert -

‘Report on the operation of the Children Order

143.—(1) Article 181 of the Children Order (annual report) is amended as follows.

(2) In the title, for “Annual report” substitute “Report on the operation of this Order”.

(3) The existing text becomes paragraph (1).

(4) In that paragraph, for the words from “cause an” to the end, substitute “cause a general report on the operation of this Order to be prepared and laid before the Assembly at least once every three years.”.

(5) After that paragraph, add—

“(2) The first report under paragraph (1) must be prepared and laid before the Assembly within the period of three years beginning on the date on which the Adoption and Children Act (Northern Ireland) 2022 receives Royal Assent.”.’

Minister of Health

Clause 143 [*Question that Clause 143, as amended, stand part agreed*]

The Chair listed below gives notice of his intention to oppose the question that clause 143 stand part of the Bill.

Chair, Committee for Health

Amendment 22 [Made]

Clause 144, Page 89, Line 10

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Amendment 23 [Made]

Clause 144, Page 89, Line 36

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 24 [Made]

Clause 145, Page 89, Line 39

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 25 [Made]

Clause 145, Page 89, Line 40

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 26 [Made]

Clause 145, Page 90, Line 3

Leave out 'Regional Board's' and insert 'Department's'

Minister of Health

Amendment 27 [Made]

Clause 145, Page 90, Line 5

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 28 [Made]

Clause 145, Page 90, Line 6

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 29 [Made]

Clause 145, Page 90, Line 8

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 30 [Made]

Clause 145, Page 90, Line 9

Leave out subsection (4)

Minister of Health

Amendment 31 [Made]

Clause 146, Page 90, Line 20

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 32 [Made]

Clause 146, Page 90, Line 21

Leave out subsection (3)

Minister of Health

Amendment 33 [Made]

Clause 147, Page 90, Line 25

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 34 [Made]

Clause 147, Page 90, Line 27

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 35 [Made]

Clause 147, Page 90, Line 36

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 36 [Made]

Clause 147, Page 90, Line 37

Leave out from 'Regional' to 'Board' in line 38 and insert 'Department'

Minister of Health

Amendment 37 [Made]

Clause 148, Page 91, Line 10

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 38 [Made]

Clause 148, Page 91, Line 28

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 39 [Made]

Clause 148, Page 91, Line 34

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 40 [Made]

Clause 148, Page 91, Line 38

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 41 [Made]

Clause 149, Page 92, Line 19

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 42 [Made]

Clause 150, Page 92, Line 40

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Amendment 43 [Made]

Clause 155, Page 94, Line 18

At end insert -

'(aa) section 9 which include provision made under section 42;'

Minister of Health

Amendment 44 [Made]

Clause 155, Page 94, Line 20

Leave out 'or 148' and insert ', 148, 149 or 150'

Minister of Health

Amendment 45 [Made]

New Clause

After clause 157 insert -

'Review

157A.—(1) The Department must review and make a report on the implementation of each provision of Part 1 and of each provision of Part 2—

(a) as soon as practicable after the third anniversary of the commencement of that provision; and

(b) at least once in every five years after the making of the previous report on the implementation of that provision.

(2) The Department must—

(a) lay a copy of each report under this section before the Assembly; and

(b) having done that, publish the report.

(3) The Department may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.

(4) Regulations under this section are subject to negative resolution.’

Chair, Committee for Health

Amendment 46 [Made]

Clause 158, Page 97

Leave out line 14

Minister of Health

Amendment 47 [Made]

Schedule 2, Page 103, Line 36

Leave out paragraph (4)

Minister of Health

Amendment 48 [Made]

Schedule 3, Page 107, Line 32

At end insert -

‘The Health and Personal Social Services (Northern Ireland) Order 1991

14A. In Article 10A (definition of “social care and children functions”), in paragraph (1)(e), for “Adoption (Northern Ireland) Order 1987” substitute “Adoption and Children Act (Northern Ireland) 2021”.’

Minister of Health

Amendment 49 [Made]

Schedule 3, Page 117, Line 33

Leave out from ‘for’ to “‘appropriate’ on line 35 and insert ‘for the words from “or an” to the end of the paragraph substitute “or an appropriate’

Minister of Health

Amendment 50 [Made]

Schedule 3, Page 117, Line 37

Leave out from ‘for’ to “‘appropriate’ on line 39 and insert ‘for the words from “or an” to “(N.I.22)” substitute “or an appropriate’

Minister of Health

Amendment 51 [Made]

Schedule 3, Page 120, Line 4

At end insert -

‘65A. In Schedule 2 (civil legal services: excluded services), in paragraph 6, at the end insert “or the Adoption and Children Act (Northern Ireland) 2021”.’

Minister of Health

Amendment 52 [Made]

Schedule 3, Page 121, Line 36

At end insert -

‘The Health and Social Care Act (Northern Ireland) 2022

77A.—(1) Schedule 1 (transfer of the Regional Board’s functions) is amended as follows.

(2) Omit paragraphs 102 to 120.

(3) Omit paragraph 193(2)(b) and (3)(b).

(4) Omit paragraph 195(2).’

Minister of Health

Amendment 53 [Made]

Schedule 4, Page 133, Line 29

Leave out ‘or the Regional Board’

Minister of Health

Amendment 54 [Made]

Schedule 4, Page 133, Line 31

Leave out ‘or the Board’

Minister of Health

Amendment 55 [Made]

Schedule 4, Page 133, Line 34

Leave out from ‘or’ to ‘Board’ in line 35

Minister of Health

Amendment 56 [Made]

Schedule 4, Page 133, Line 38

Leave out ‘or the Board’

Minister of Health

Amendment 57 [Made]

Schedule 4, Page 133, Line 41

Leave out ‘or the Board’

Minister of Health

Amendment 58 [Made]

Schedule 4, Page 135, Line 29

At end insert -

‘The Adoption (Hague Convention) Act (Northern Ireland) 1969

7A.—(1) Despite the repeal of the Adoption (Hague Convention) Act (Northern Ireland) 1969 (“the 1969 Act”) the following provisions of that Act continue to have effect—

- (a) section 5(1) (recognition of foreign determinations) so far as it applies to a determination made by an authority of any British territory outside the United Kingdom in respect of a convention adoption order and to which subsection (1)(b) of that section applies,
- (b) in section 6 (annulment etc.)—
 - (i) subsection (1) so far as it applies to convention adoption orders, and
 - (ii) subsections (3) and (4) so far as they apply to determinations,
- (c) in section 8 (registration)—
 - (i) subsection (3) so far as it applies to convention adoption orders or any entry or mark erroneously made in pursuance of subsection (2) of that section, and
 - (ii) subsection (4).

(2) Despite the repeal of the 1969 Act, the following provisions of that Act continue to have effect so far as they are necessary for the purposes of sub-paragraph (1)—

- (a) section 7 (provisions supplemental to section 6),
- (b) section 9 (nationality),
- (c) section 10 (supplemental),
- (d) section 11 (rules),
- (e) section 12 (interpretation).

(3) In this paragraph—

“the 1969 Act” means the Adoption (Hague Convention) Act (Northern Ireland) 1969,

“convention adoption order” means an order under Article 12(1) of the Adoption (Northern Ireland) Order 1987 made in accordance with section 1(1) of the 1969 Act,

“determination” means a determination that has effect by virtue of section 5(1) of the 1969 Act.’

Minister of Health

Amendment 59 [Made]

Schedule 5, Page 136, Line 5

At end insert -

‘

The Adoption (Hague Convention) Act (Northern Ireland) 1969	The whole Act.
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’

Minister of Health

Amendment 60 [Made]

Schedule 5, Page 138, Line 38

At end insert -

‘

The Health and Social Care Act (Northern Ireland) 2022	In Schedule 1, paragraphs 102 to 120, paragraph 193(2)(b) and (3)(b), and paragraph 195(2).
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Minister of Health