



Northern Ireland
Assembly

Committee for Health

Minutes of Proceedings

Tuesday, 25 January 2022

Meeting Location: Room 30, Parliament Buildings

Present:

Colm Gildernew MLA (Chairperson)

Pam Cameron MLA (Deputy Chairperson)

Paula Bradshaw MLA

Alan Chambers MLA

Deborah Erskine MLA

Present by Video or Teleconference:

Órlaithí Flynn MLA

Colin McGrath MLA

Carál Ní Chuilín MLA

Apologies:

Gerry Carroll MLA

In Attendance:

Keith McBride (Clerk)

Brendan Miskelly (Clerical Supervisor)



In Attendance by Video or Teleconference:

Roisin Donnelly (Assistant Clerk)

Deirdre Farry (Assistant Clerk)

Ellen Wilson (Clerical Officer)

The meeting commenced at 12.50 pm in closed session.

1. Apologies

As above.

The Chairperson informed the Committee, that under Standing Order 115 (6), Gerry Carroll MLA had delegated authority to Paula Bradshaw MLA to vote on his behalf at the meeting.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 20 January 2022.

3. Adoption and Children Bill – Consideration of Department of Health Amendments

Bill Clerk, Dr Kathryn Aiken joined the meeting at 12.50 pm.

Paula Bradshaw joined the meeting at 1.00 pm.

The Committee considered a number of Department of Health amendments to the Adoption and Children Bill.



The Clerk advised the Committee that the Report on Delegated Powers by the Examiner of Statutory Rules was received late yesterday evening and had highlighted some issues the Committee may wish to consider.

Agreed: The Committee agreed that it would continue with clause-by-clause today and would schedule a briefing from the Examiner to discuss the issues raised and that the Committee may agree further amendments to the Bill following detailed consideration of the Report.

The meeting moved to public session at 1.31 pm.

4. Adoption and Children Bill – Clause by Clause Consideration

The Committee commenced its formal clause by clause consideration of the Adoption and Children Bill.

PART 1: ADOPTION

CHAPTER 1: INTRODUCTORY

Clause 1: Considerations applying to the exercise of powers

The Committee considered Clause 1 as drafted.

Agreed: The Committee agreed that it was content with Clause 1 as drafted.

CHAPTER 2: THE ADOPTION SERVICE

Clause 2: Basic definitions

The Committee considered Clause 2 as drafted.

Agreed: The Committee agreed that it was content with Clause 2 as drafted.



Clause 3: Adoption authority

The Committee considered two Department of Health proposed amendments to Clause 3 to remove references to the Health and Social Care Board following its dissolution.

Amendment 1

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(2) of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.'

Amendment 2

Clause 3, Page 4

Leave out lines 9 and 10

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 3 as amended.

Clause 4: The Adoption Service

The Committee considered Clause 4 as drafted.

Agreed: The Committee agreed that it was content with Clause 4 as drafted.

Clause 5. Assessments etc. for adoption support services

The Committee considered its proposed amendment to Clause 5 to provide clarity regarding which categories of persons would be entitled to adoption support services.



Clause 5, page 5, line 14

Leave out from 'that' to end of line 14 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.'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 5 as amended.

Clause 6: Adoption support services: duty to provide information

Clause 7: Arrangements on cancellation of registration

Clause 8: Inactive or defunct adoption societies, etc.

Clause 9: General power to regulate adoption agencies

Clause 10: Management, etc., of agencies

Clause 11: Fees

Clause 12: Independent review of qualifying determinations of adoption agencies

Clause 13: Information concerning adoption

Clause 14: Inspection of premises, etc.



Agreed: The Committee agreed to group Clauses 6 to 14 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 6 to 14 as drafted.

CHAPTER 3: PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Clause 15: Placement for adoption by agencies

Clause 16: Placing children with parental consent

Clause 17: Advance consent to adoption

Clause 18: Placement orders

Clause 19: Applications for placement orders

Clause 20: Varying placement orders

Clause 21: Revoking placement orders

Clause 22: Parental responsibility

Clause 23: Contact

Clause 24: Contact: supplementary

Clause 25: Further consequences of placement

Clause 26: Further consequences of placement orders

Clause 27: General prohibitions on removal

Clause 28: Recovery by parent etc. where child not placed or is a baby

Clause 29: Recovery by parent etc. where child placed and consent withdrawn

Clause 30: Recovery by parent etc. where child placed and placement order refused

Clause 31: Placement orders: prohibition on removal



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Clause 32: Return of child in other cases

Clause 33: Restrictions on removal

Clause 34: Applications for adoption

Clause 35: Authority foster parents

Clause 36: Partners of parents

Clause 37: Other non-agency cases Breach of restrictions on removal

Clause 38: Recovery orders Preliminaries to adoption

Clause 39: Child to live with adopters before application

Clause 40: Reports where child placed by agency

Clause 41: Notice of intention to adopt

Clause 42: Suitability of adopters

Clause 43: Adoption orders

Clause 44: Conditions for making adoption orders

Clause 45: Restrictions on making adoption orders

Clause 46: Applications for adoption

Clause 47: Adoption by couple

Clause 48: Adoption by one person

Clause 49: Post-adoption contact

Clause 50: Orders under section 49 supplementary

Clause 51: Parental etc. consent

Clause 52: Modification of Children Order in relation to adoption

Clause 53: Disclosing information to prospective adopters

Clause 54: Revocation of adoptions on legitimization



- Clause 55: Information to be kept about a person's adoption**
- Clause 56: Restrictions on disclosure of protected etc. information**
- Clause 57: Disclosure of other information**
- Clause 58: Offence**
- Clause 60: Disclosing protected information about adults**
- Clause 61: Disclosing protected information about children**
- Clause 62: Counselling**
- Clause 63: Other provision to be made by regulations**
- Clause 64: Sections 55 to 64: interpretation**

Agreed: The Committee agreed to group Clauses 15 to 64 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 15 to 64 as drafted.

CHAPTER 4: STATUS OF ADOPTED CHILDREN

- Clause 65: Meaning of adoption in Chapter 4**
- Clause 66: Status conferred by adoption**
- Clause 67: Adoptive relatives**
- Clause 68: Rules of interpretation for instruments concerning property**
- Clause 69: Dispositions depending on date of birth**
- Clause 70: Property devolving with peerages etc.**
- Clause 71: Protection of trustees and personal representatives**
- Clause 72: Meaning of disposition**



Clause 73: Miscellaneous

Clause 74: Pensions

Clause 75: Insurance

Agreed: The Committee agreed to group Clauses 65 to 75 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 65 to 75 as drafted.

CHAPTER 5: REGISTERS

Clause 76: Adopted Children Register

Clause 77: Searches and copies

Clause 78: Connections between the register and birth records

Clause 79: Adoption Contact Register

Clause 80: Adoption Contact Register: supplementary

Clause 81: Interpretation

Agreed: The Committee agreed to group Clauses 76 to 81 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 76 to 81 as drafted.

CHAPTER 6: ADOPTIONS WITH A FOREIGN ELEMENT

Clause 82: Restriction on bringing children in

Clause 83: Giving parental responsibility prior to adoption abroad



Clause 84: Restriction on taking children out

Clause 85: Power to modify sections 82 and 84 Adoptions from abroad: special restrictions

Clause 86: Declaration of special restrictions on adoptions from abroad

Clause 87: Review

Clause 88: The special restrictions

Clause 89: Imposition of extra conditions in certain cases

Clause 90: Overseas adoptions

Clause 91: Modification of section 66 for Hague Convention adoptions

Clause 92: Annulment etc. of overseas or Hague Convention adoptions

Clause 93: Section 92: supplementary

Clause 94: Overseas determinations and orders

Clause 95: Power to charge

Agreed: The Committee agreed to group Clauses 82 to 95 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 82 to 95 as drafted.

CHAPTER 7 MISCELLANEOUS

Clause 96: Restriction on arranging adoptions etc.

Clause 97: Offence of breaching restrictions under section 96

Clause 98: Restriction on reports

Clause 99: Prohibition of certain payments



Clause 100: Excepted payments

Clause 101: Sections 96 to 100: interpretation information

Agreed: The Committee agreed to group Clauses 96 to 101 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 96 to 101 as drafted.

Clause 102: Pre-commencement adoptions: information

The Committee considered seven Department of Health proposed amendments to Clause 102 which aim to address issues with access to information identified by victims and survivors during the work of the Truth Recovery Design Panel.

Carál Ní Chuilín declared an interest as formerly holding the office of Minister for Culture, Arts and Leisure which included responsibility as the legal keeper of public records.

Amendment 1

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’



Amendment 2

Clause 102, Page 60, Line 21

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

Amendment 3

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.'

Amendment 4

Clause 102, Page 60

Leave out line 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.'

Amendment 5

Clause 102, Page 60, Line 37

Leave out '(3)' and insert '(2A) or (3).'

Amendment 6

Clause 102, Page 60, Line 38

At end 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.’

Amendment 7

Clause 102, Page 60, Line 40

After ‘subsection’ insert ‘(2A) or’

Agreed: The Committee agreed that it was content with the amendments as drafted, pending confirmation that the amendments are compliant with data protection and public records legislation.

Agreed: The Committee agreed that it was content with Clause 102 as amended, pending confirmation that the amendments are compliant with data protection and public records legislation.

Clause 103: Proceedings for offences

Clause 104: Appeals

Clause 105: Privacy Children’s court guardians

Clause 106: Children’s court guardians

Clause 107: Right of access to adoption agency records Evidence

Clause 108: Evidence of consent Orders made in Great Britain, etc.

Clause 109: Effect of certain Scottish orders and provisions

Clause 110: Effect of certain orders made in England and Wales

Clause 111: Use of adoption records from Great Britain, etc.

Clause 112: Channel Islands and the Isle of Man General



Clause 113: Avoiding delay

Clause 114: Service of notices etc.

Clause 115: Jurisdiction of courts

Agreed: The Committee agreed to group Clauses 103 to 115 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 103 to 115 as drafted.

PART 2: CHILDREN ORDER AMENDMENTS

Clause 116: Definition of family proceedings

Clause 117: Article 8 orders: authority foster parents

Clause 118: Duration of residence orders

Agreed: The Committee agreed to group Clauses 116 to 118 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 116 to 118 as drafted.

Clause 119: Special guardianship

The Committee considered two Department of Health proposed amendments to Clause 119 to place a duty on authorities, on the face of the Bill, to conduct an assessment of needs for special guardian support services in respect of certain categories of people, on request.



Amendment 1

Clause 119, Page 71, Line 19

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 subparagraph (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).’



Amendment 2

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;’

The Committee considered its proposed amendment to Clause 119 to make it clear which categories of persons would be entitled to adoption support services, replicating the amendment to clause 5.

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.’

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 119 as amended.



Clause 120: Ascertainment of children’s wishes

Clause 121: Provision of services to children in need, etc.

Agreed: The Committee agreed to group Clauses 120 to 121 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 120 to 121 as drafted.

Clause 122: Duty of authorities to promote educational achievement and prevent disruption of education and training

The Committee considered its two proposed amendments to Clause 122 to strengthen the word ‘promote’ by adding the words ‘facilitate and support’ and to give effect to its view that the focus of this clause should be wider than academic achievement.

Amendment 1

Clause 122, page 74, line 37

After ‘promote’ insert ‘, facilitate and support’

Amendment 2

Clause 122, page 74, line 37

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

Agreed: The Committee agreed that it was content with the amendments as drafted.



Agreed: The Committee agreed that it was content with Clause 122 as amended.

Clause 123: Corporate parenting principles

Clause 124: Placement of looked after children with prospective adopters

Clause 125: Accommodation for children: requirements

Clause 126: Authority foster parents

Clause 127: Duty to ensure visits to and advice etc. for children

Clause 128: Former relevant children: continuing functions

Agreed: The Committee agreed to group Clauses 123 to 128 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 123 to 128 as drafted.

Clause 129: Local offer for care leavers

Clause 130: Inquiries into representations

Clause 131: Review of cases of looked after children

Agreed: The Committee agreed to group Clauses 129 to 131 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 129 to 131 as drafted.



Clause 132: Advocacy services

The Committee considered two Department of Health proposed amendments to Clause 132 to more clearly reflect that advocacy services will be independent of Trusts.

Amendment 1

Clause 132, Page 85, Line 1

At beginning insert 'Independent'

Amendment 2

Clause 132, Page 85, Line 4

At beginning insert 'Independent'

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 132 as amended.

Clause 133: Definition of harm

The Committee considered two Department of Health proposed amendments to Clause 133.

Amendment 1

Clause 133, Page 85, Line 25

Leave out the words from "in the" to the 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;’

Amendment 2

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.”

Agreed: The Committee agreed that it was content with the amendments as drafted, pending consultation with the Northern Ireland Human Rights Commission.

Agreed: The Committee agreed that it was content with Clause 133 as amended, pending consultation with the Northern Ireland Human Rights Commission

Clause 134: Care plans

Clause 135: Contact: children in care of authority.

Agreed: The Committee agreed to group Clauses 134 to 135 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 134 to 135 as drafted.



Clause 136: Persons authorised to act as children’s court guardian

Clause 137: Renaming of guardians ad litem

Clause 138: Interests of children in proceedings

Clause 139: Definition of privately fostered child

Clause 140: Welfare of children who will be privately fostered

Clause 141: Notification of fostering: public awareness

Clause 142: Privacy for children in proceedings

Agreed: The Committee agreed to group Clauses 136 to 142 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 136 to 142 as drafted.

Clause 143: Annual report

The Committee considered Clause 143 as drafted.

Agreed: The Committee agreed that it was not content with Clause 143 as drafted.

Agreed: The Committee agreed to register its intention to oppose the question that Clause 143 stand part of the Bill.

New Clause 143A

The Committee considered Department of Health proposed amendments to insert new Clauses 143A – 143E to give effect to Part 1 of recommendation 4 from the report of the Truth Recovery Design Panel, in relation to the preservation of records.



Before clause 144 [(and the italic heading preceding it)] insert—

‘Documents relating to women and children in institutions

143A. - Preservation of relevant documents

(1) A person (“P”) who has in P’s custody or under P’s control a relevant document—

- (a) must not alter, destroy or otherwise dispose of the document,
- (b) must not remove or transfer the document to a place outside of Northern Ireland, and
- (c) must take appropriate measures to ensure that the document is not stolen, lost, destroyed or otherwise damaged.

(2) A relevant document is under the control of P if it is in P’s possession or if P has a right to possession of it.

(3) A person who intentionally or recklessly—

- (a) contravenes subsection (1), or
- (b) causes or permits a contravention of subsection (1), is guilty of an offence.

(4) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.

(5) In this section and in section 143B, “document” means anything in which information is recorded in any form.’

New Clause 143B

The Committee considered a Department of Health proposed amendment to insert a new Clause 143B.



After clause 143A insert—

‘143B. - Meaning of “relevant document”

(1) For the purposes of section 143A, a document is a relevant document if it satisfies the conditions in subsections (2) to (4), but this is subject to subsection (5) and such exceptions as may be prescribed.

(2) The first condition is that the document contains relevant information.

(3) The second condition is that the document was created by or on behalf of—

(a) a relevant institution,

(b) a person who was a resident of a relevant institution in the relevant period,

(c) a body, society or organisation with responsibility for the health, welfare or care of women or children, or

(d) such other person as may be prescribed.

(4) The third condition is that the document is likely to be of interest to a person conducting an inquiry or investigation relating to the implementation of the recommendations made by the Truth Recovery Design Panel as set out in a statement to the Assembly made by the First Minister and deputy First Minister acting jointly on 15th November 2021.

(5) A document is not a relevant document if a copy of the document or the information it contains is generally available to the public.’

New Clause 143C

The Committee considered a Department of Health proposed amendment to insert a new Clause 143C.

After clause 143B insert—

‘143C. – Meaning of “relevant information”



(1) In section 143B, “relevant information” means—

(a) information about the operation of a relevant institution in the relevant period including information relating to—

- (i) the occupancy of the institution;
- (ii) the admission, treatment, care and discharge of residents;
- (iii) the management of staff or volunteers;
- (iv) the names and addresses of staff or volunteers;
- (v) financial documents, annual accounts and statements of account;
- (vi) such other matters as may be prescribed;

(b) information about any resident of a relevant institution in the relevant period including information relating to—

- (i) the resident’s admission to the institution;
- (ii) the resident’s departure from the institution;
- (iii) the treatment or care of the resident in the institution;
- (iv) work undertaken by the resident in the institution (if relevant)
- (v) the birth of the resident’s child (if relevant);
- (vi) the resident’s parents or relatives;
- (vii) such other matters as may be prescribed; or

(c) where a child was born to a resident of a relevant institution in the relevant period, subject to subsection (2), information about the accommodation or care provided to the child—

- (i) during the period in which the mother remained a resident of the relevant institution;



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(ii) if the mother left the relevant institution and the mother and child were separated, during any period in which the mother and child were separated,

(iii) in such other circumstances as may be prescribed.

(2) Information relating to the accommodation or care of a child who was born to a resident of a relevant institution in the relevant period is not relevant information if the accommodation or care was provided by a natural parent of the child or a relative of the child.

(3) For the purposes of subsection (1)(c)(ii) and subject to such exceptions as may be prescribed, a mother and child were separated if the child was provided with care and accommodation by a person other than the mother for a period of at least six consecutive months.

(4) In this section, “relative” means a grandparent, brother, sister, uncle or aunt, whether by blood (including half-blood), marriage or civil partnership.’

New Clause 143D

The Committee considered a Department of Health proposed amendment to insert a new Clause 143D.

After clause 143C insert—

‘143D. - Meaning of “the relevant period”, “relevant institution” and “resident”

(1) This section applies for the purposes of this section and sections 143B and 143C.

(2) “The relevant period” means the period between 1922 and 1995 (both inclusive).

(3) “Relevant institution” means, subject to subsection (4), an institution in which a voluntary organisation provided residential accommodation for women or children in the relevant period, took decisions about the women or children and—



- (a) provided services to the women or children related to pregnancy or maternity,
 - (b) provided day-to-day care for the women or children,
 - (c) required the women or children to work (whether with or without pay), or
 - (d) provided such other service as may be prescribed.
- (4) Regulations may except any description of institution from the definition of “relevant institution”.
- (5) “Resident of a relevant institution” means a person (of any age) who was provided with residential accommodation in a relevant institution.
- (6) A reference to being a resident of a relevant institution includes a reference to being absent from the institution while under the care of—
- (a) the voluntary organisation which provided residential accommodation for the woman or child in the institution, or
 - (b) a person authorised by that voluntary organisation.’

New Clause 143E

The Committee considered a Department of Health proposed amendment to insert a new Clause 143E.

After clause 143D insert—

143E. – Offences by bodies corporate etc.

(1) For the purposes of this group of sections (that is, this section and sections 143A to 143D), section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the



acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

(2) If an offence committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the part of the partner's,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In subsection (2) "partner" includes a person purporting to act as a partner.

(4) If an offence committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
- (b) to be attributable to any neglect on the part of such an officer or member, the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Proceedings for an offence alleged to have been committed by a partnership must be brought in the name of the partnership (and not in that of any of the partners).

(6) Proceedings for an offence alleged to have been committed by an unincorporated association (other than a partnership) must be brought in the name of the association (and not in that of any of its members).



- (7) Rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate.
- (8) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets.
- (9) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (10) Subsections (5) and (6) are not to be read as prejudicing any liability of a partner, officer or member under subsection (2) or (4).
- (11) In this section, “offence” means an offence under section 143A.’

Agreed: The Committee agreed that it was content with new Clauses 143A to 143E as drafted, pending confirmation that the amendments are compliant with data protection and public records legislation.

Agreed: That the Committee recommends to the Assembly that the proposed new Clauses 143A to 143E be added to the Bill, pending confirmation that the amendments are compliant with data protection and public records legislation.

PART 3: MISCELLANEOUS AND SUPPLEMENTARY

Clause 144: Northern Ireland Adoption and Children Act Register

The Committee considered two Department of Health proposed amendments to Clause 144 clauses to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Clause 144, Page 89, Line 10

Leave out ‘Regional Board’ and insert ‘Department’



Amendment 2

Clause 144, Page 89, Line 36

Leave out 'Regional Board' and insert 'Department'

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Clause 144 as amended.

Clause 145: Use of an organisation to establish the register

The Committee considered seven Department of Health proposed amendments to Clause 145 to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Clause 145, Page 89, Line 39

Leave out 'Regional Board' and insert 'Department'

Amendment 2

Clause 145, Page 89, Line 40

Leave out 'Regional Board' and insert 'Department'

Amendment 3

Clause 145, Page 90, Line 3

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

Amendment 4

Clause 145, Page 90, Line 5



Leave out 'Regional Board' and insert 'Department'

Amendment 5

Clause 145, Page 90, Line 6

Leave out 'Regional Board' and insert 'Department'

Amendment 6

Clause 145, Page 90, Line 8

Leave out 'Regional Board' and insert 'Department'

Amendment 7

Clause 145, Page 90

Leave out lines 9 and 10

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Clause 145 as amended.

Clause 146: Use of an organisation as an agency for payments

The Committee considered two Department of Health proposed amendments to Clause 146 to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Clause 146, Page 90, Line 20

Leave out 'Regional Board' and insert 'Department'



Amendment 2

Clause 146, Page 90

Leave out lines 21 and 22

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Clause 146 as amended.

Clause 147: Supply of information for the register

The Committee considered four Department of Health proposed amendments to Clause 147 to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Clause 147, Page 90, Line 25

Leave out 'Regional Board' and insert 'Department'

Amendment 2

Clause 147, Page 90, Line 27

Leave out 'Regional Board' and insert 'Department'

Amendment 3

Clause 147, Page 90, Line 36

Leave out 'Regional Board' and insert 'Department'



Amendment 4

Clause 147, Page 90, Line 37

Leave out 'Regional Board' and insert 'Department'

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Clause 147 as amended.

Clause 148: Disclosure of information

The Committee considered four Department of Health proposed amendments to Clause 148 to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Clause 148, Page 91, Line 10

Leave out 'Regional Board' and insert 'Department'

Amendment 2

Clause 148, Page 91, Line 28

Leave out 'Regional Board' and insert 'Department'

Amendment 3

Clause 148, Page 91, Line 34

Leave out 'Regional Board' and insert 'Department'



Amendment 4

Clause 148, Page 91, Line 38

Leave out 'Regional Board' and insert 'Department'

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Clause 148 as amended.

Clause 149: Search and inspection of the register by prospective adopters

The Committee considered a Department of Health proposed amendment to Clause 149 to remove reference to the Health and Social Care Board following its dissolution.

Clause 149, Page 92, Line 19

Leave out 'Regional Board' and insert 'Department'

Agreed: The Committee agreed that it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Clause 149 as amended.

Clause 150: Search and inspection of the register by adoption agencies

The Committee considered a Department of Health proposed amendment to Clause 150 to remove reference to the Health and Social Care Board following its dissolution.

Clause 150, Page 92, Line 40

Leave out 'Regional Board' and insert 'Department'



Agreed: The Committee agreed that it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Clause 150 as amended.

Clause 151: Supplementary

Clause 152: Time limit within which proceedings may be brought

Clause 153: Research and investigations

Clause 154: Amendments, transitional and transitory provisions, savings and repeals

Agreed: The Committee agreed to group Clauses 151 to 154 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 151 to 154 as drafted.

Clause 155: Regulations and orders

The Committee considered a Department of Health proposed amendment to Clause 155 to include regulations made under clause 42 in the list of regulations which will be subject to affirmative resolution procedure, instead of negative resolution as originally drafted.

Clause 155, Page 94, Line 18

At end insert –

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



Agreed: The Committee agreed it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Clause 155 as amended.

Clause 156: Rules of court

Clause 157: Supplementary and consequential provision

Agreed: The Committee agreed to group Clauses 156 to 157 for the purpose of putting the question.

Agreed: The Committee agreed that it was content with Clauses 156 to 157 as drafted.

New Clause 157A: Review

The Committee considered its proposed amendment to insert a new Clause 157A to require the Department of Health to review the legislation and make a report to the Assembly, on implementation of parts 1 and 2 of the Bill, as soon as practicable after the third anniversary of the commencement and to provide that the Department should report at least once every five years.

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.'

Agreed: The Committee agreed it was content with the new Clause 157A as drafted.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 157A be added to the Bill.

Clause 158: Interpretation

The Committee considered a Department of Health proposed amendment to Clause 158 which is a consequential amendment to remove reference to the Health and Social Care Board following its dissolution.

Clause 158, Page 97

Leave out line 14

Agreed: The Committee agreed that it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Clause 158 as amended.



Clause 159: Commencement

The Committee considered a Department of Health proposed amendment to Clause 159 to provide that the new clauses 143A-143E relating to the preservation of records will be commenced on Royal Assent, ensuring that they are commenced at the earliest opportunity.

Clause 159, Page 98, Line 17

After 'sections' insert '143A to 143E,'

Agreed: The Committee agreed that it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Clause 159 as amended.

Clause 160: Short title

The Committee considered Clause 160 as drafted.

Agreed: The Committee agreed that it was content with Clause 160 as drafted.

SCHEDULES

Schedule 1: Registration of adoptions

The Committee considered Schedule 1 as drafted.

Agreed: The Committee agreed that it was content with Schedule 1 as drafted.

Schedule 2: Disclosure of birth records by Registrar General

The Committee considered a Department of Health proposed amendment to Schedule 2 to remove the requirement for those people who were adopted before 18



December 1987 to attend an interview with a counsellor before information on their birth records can be provided to them by the Registrar General.

Schedule 2, Page 103, Line 36

Leave out paragraph 4

Agreed: The Committee agreed it was content with the proposed amendment

Agreed: The Committee agreed that it was content with Schedule 2 as amended.

Schedule 3: Minor and consequential amendments

The Committee considered five Department of Health proposed amendments to Schedule 3.

Amendment 1

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”.’

Amendment 2

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”.’

Amendment 3

Amendment 26 Schedule 3, Page 117, Line 33

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

Amendment 4

Schedule 3, Page 117, Line 37

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

Amendment 5

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).’

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Schedule 3 as amended.



Schedule 4: Transitional and transitory provisions and savings

The Committee considered five Department of Health proposed amendments to Schedule 4 and 5 to repeal The Adoption (Hague Convention) Act (Northern Ireland) 1969 and to insert savings provision to ensure that the future rights of anyone adopted through a convention adoption order under the 1969 Act will not be negatively affected by its repeal. The Department has also provided the text of consequential amendments to Schedules 4 and 5 to remove reference to the Health and Social Care Board following its dissolution.

Amendment 1

Schedule 4, Page 133, Line 29
Leave out 'or the Regional Board'

Amendment 2

Schedule 4, Page 133, Line 31
Leave out 'or the Board'

Amendment 3

Schedule 4, Page 133, Line 34
Leave out 'or the Regional Board'

Amendment 4

Schedule 4, Page 133, Line 38
Leave out 'or the Board'



Amendment 5

Schedule 4, Page 133, Line 41

Leave out 'or the Board'

Agreed: The Committee agreed that it was content with the proposed amendments.

Agreed: The Committee agreed that it was content with Schedule 4 as amended.

Schedule 5: Repeals

The Committee considered a Department of Health proposed amendment to Schedule 5.

Amendment 34 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).'

Agreed: The Committee agreed that it was content with the proposed amendment.

Agreed: The Committee agreed that it was content with Schedule 5 as drafted.

Long Title

The Committee considered the Long Title as drafted.

Agreed: The Committee agreed that it was content with the Long Title as drafted.

The Chairperson advised that the formal clause by clause scrutiny of the Adoption and Children Bill had concluded.



The clause by clause consideration of the Bill was reported by Hansard.

The meeting moved into closed session at 1.59 pm.

5. Adoption and Children Bill – Consideration of Draft Report

The Committee discussed the content it wished to see reflected in its draft report on the Adoption and Children Bill.

The Clerk advised that a draft report would be circulated to Members for formal consideration and agreement at the meeting on 27 January 2022.

6. Abortion Services (Safe Access Zones) Bill – Consideration of Amendments

Bill Clerks, Denise Morgan and Dr Kathryn Aiken joined the meeting at 2.01 pm.

The Bill Clerks briefed the Committee on its proposed amendments to the Bill.

The Committee considered a number of proposed amendments from the Bill Sponsor.

Deborah Erskine left the meeting at 2.43 pm.

Pam Cameron left the meeting at 2.45 pm.

Agreed: The Committee agreed to defer its clause by clause consideration of the Bill until the meeting on 27 January 2022.

Agreed: The Committee agreed to defer its consideration of the Committee's draft report on the Bill until the meeting on 27 January 2022.

The Chairperson thanked the Bill Clerks for their attendance.



7. Date, Time and Place of the next meeting

The next meeting of the Committee for Health was scheduled to take place at 9.30 am on Thursday, 27 January 2022.

The meeting was adjourned at 2.47 pm.

**Colm Gildernew MLA,
Chairperson, Committee for Health**