



Northern Ireland
Assembly

Adoption and Children Bill
Notice of Amendments tabled on
7 February 2022 for Consideration Stage

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

Clause 3, Page 4, Line 9

Leave out subsection (5)

Minister of Health

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

Clause 102, Page 60, Line 21

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

Minister of Health

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

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

Clause 102, Page 60, Line 37

After ‘subsection’ insert ‘(2A) or’

Minister of Health

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

Clause 102, Page 60, Line 40

After ‘subsection’ insert ‘(2A) or’

Minister of Health

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

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

Clause 132, Page 85, Line 4

At beginning insert ‘Independent’

Minister of Health

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

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

New Clause

Before clause 144 insert -

‘Documents relating to women and children in institutions

Preservation of relevant documents

143A.—(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.’

Minister of Health

New Clause

After clause 143A insert -

‘Meaning of “relevant document”

143B.—(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.’

Minister of Health

New Clause

After clause 143B insert -

‘Meaning of “relevant information”

143C.—(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;
- (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;
 - (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.’

Minister of Health

New Clause

After clause 143C insert -

‘Meaning of “the relevant period”, “relevant institution” and “resident”

143D.—(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.’

Minister of Health

New Clause

After clause 143D insert -

‘Offences by bodies corporate etc.

143E.—(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.’

Minister of Health

Clause 144, Page 89, Line 10

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Clause 144, Page 89, Line 36

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Clause 145, Page 89, Line 39

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Clause 145, Page 89, Line 40

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 145, Page 90, Line 3

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

Minister of Health

Clause 145, Page 90, Line 5

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 145, Page 90, Line 6

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 145, Page 90, Line 8

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 145, Page 90, Line 9

Leave out subsection (4)

Minister of Health

Clause 146, Page 90, Line 20

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 146, Page 90, Line 21

Leave out subsection (3)

Minister of Health

Clause 147, Page 90, Line 25

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 147, Page 90, Line 27

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 147, Page 90, Line 36

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 147, Page 90, Line 37

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

Minister of Health

Clause 148, Page 91, Line 10

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 148, Page 91, Line 28

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 148, Page 91, Line 34

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 148, Page 91, Line 38

Leave out 'Regional Board' and insert 'Department'

Minister of Health

Clause 149, Page 92, Line 19

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Clause 150, Page 92, Line 40

Leave out ‘Regional Board’ and insert ‘Department’

Minister of Health

Clause 155, Page 94, Line 18

At end insert -

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

Minister of Health

Clause 158, Page 97

Leave out line 14

Minister of Health

Clause 159, Page 98, Line 17

After ‘sections’ insert ‘143A to 143E,’

Minister of Health

Schedule 2, Page 103, Line 36

Leave out paragraph (4)

Minister of Health

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

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

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

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

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

Schedule 4, Page 133, Line 29

Leave out ‘or the Regional Board’

Minister of Health

Schedule 4, Page 133, Line 31

Leave out ‘or the Board’

Minister of Health

Schedule 4, Page 133, Line 34

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

Minister of Health

Schedule 4, Page 133, Line 38

Leave out ‘or the Board’

Minister of Health

Schedule 4, Page 133, Line 41

Leave out ‘or the Board’

Minister of Health

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

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

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