A

Bill

to

Restate and amend the law relating to adoption; to make further amendments of the law relating to children; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

Adoption

CHAPTER 1

introductory

Considerations applying to the exercise of powers

1.—(1) Test that the code can be picked up before a start quote that starts inline as quotedText before the quotedStructure {nisi-order}“; and—

(b) fingerprints taken in the circumstances set out in paragraph (2), and

(c) a DNA profile derived from a DNA sample taken in those circumstances.”.

(2) Test that a paragraph which looks like a subsection is successfully identified based on the document being an nisr—

{nisi}“(2) This should be inserted as a paragraph prov2 element⁠—

(a) with a child paragraph, or

(b) taken by the police, with the consent of the person from whom they were taken, in connection with the investigation of an offence by the police.”.

(3) Repeat test (2) above to ensure that if user supplies a provision type which is irrelevant to the quotedStructure content, that the content is still successfully parsed —

{nisr-rules}“(2) This should be inserted as a paragraph prov2 element⁠—

(a) with a child paragraph, or

(b) taken by the police, with the consent of the person from whom they were taken, in connection with the investigation of an offence by the police.”.

(4) Test that the document type is successfully marked up in the quotedStructure—

{nisi}“(1) Accordingly, where P’s material may be retained by virtue of more than one of those Articles, all of P’s non-consensual material may be retained until the latest date provided by any of them (“the last retention date”).

(2) Non-consensual material retained by virtue.”.

(5) Test that schedule provisions are correctly identified using the sch code, in this case a schedule chapter—

{nisi-sch}“CHAPTER 4

GROWING VEGETABLES

**14.** This should be a schedule paragraph.”.

(6) Another test—

{nia-sch}“PART 2B

GROWING FRUIT

1. The provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 which are inserted by section 1 are amended as follows.”.

(7) Test that a prov1 element is correctly identified using the document type and the provision type—

{nisi-order}“This should be an article in a nisi

38C.—(1) This should be a paragraph prov2.

(2) And another prov2 paragraph.”.

(8) Test that a prov1 element is correctly identified using the document type and the provision type—

{nisr-regs}“This should be a regulation in a nisr

38C.—(1) This should be a paragraph prov2.

(2) And another prov2 paragraph.”.

(9) Test that a prov1 element is correctly identified using the document type and the provision type—

{nisr-rules}“This should be a rule in a nisr

38C.—(1) This should be a paragraph prov2.

(2) And another prov2 paragraph.”.

(10) Test that a prov2 element is correctly identified using the document type and the provision type—

{uksi-order}“(1) This should be a paragraph prov2 for a doctype of uksi.

(2) And another paragraph prov2.”.

(11) Test that a schedule element is correctly identified using the document type and the provision type—

{uksi-sch}“(1) This should be a schedule sub-paragraph schprov2 for a uksi.

(2) Some stuff here.”.

(12) Test that a prov1 element is correctly identified using the document type and the provision type—

{nisi-sch}“**This should be a schedule cross heading schGroup7**

**2A**.—(1) This should be a schedule paragraph with a schedule sub-paragraph.

(2) This should be a schedule sub-paragraph.”.

(13) Test that an italic heading, what we call ‘cross heading’ is correctly marked up as a section with only a heading when the coding includes sch—

{nisi-sch}“*This should be a section heading schGroup5*

**This should be a schedule cross heading schGroup7**

**2A**.—(1) This would be a schedule paragraph with a schedule sub-paragraph.

(2) This would be a schedule sub-paragraph.”.

(13) Test that an italic heading, what we call ‘cross heading’ is correctly marked up as a section with only a heading—

{nisi}“*This should be a section heading Group5*

**This should be an article heading**

**2A**.—(1) This would be a Paragraph, prov2, within an article.

(2) This would be another prov2 Paragraph.”.

(14) Test that the full stack of schedule provisions are correctly marked up when the coding includes sch—

{nisi-sch}“PART 1A

THIS IS A SCH PART HEADING

CHAPTER 1

THIS IS A SCH CHAPTER

*This should be a section heading schGroup5*

**This should be a schedule cross heading schGroup7**

**2A**.—(1) This would be a schedule paragraph with a schedule sub-paragraph.

(2) This would be a schedule sub-paragraph.”.

(15) Testing whitespaces—

{ nisi }“(1) The court or adoption agency must at all times bear in mind that

(2) that the child’s welfare.”.

(16) Testing whitespaces—

{nisi} “(1) The court or adoption agency must at all times bear in mind that

(2) that the child’s welfare.”.

(17) Testing case sensitivity—

{nisi}“(1) The court or adoption agency must at all times bear in mind that

(2) that the child’s welfare.”.

(18) The following examples are real content that I’ve added coding to.

(19) After Article 14 of the Children Order insert⁠—

{nisi-order}“Special guardianship

Special guardianship orders

14A.⁠—(1) A “special guardianship order” is an order appointing one or more persons to be a child’s “special guardian” (or special guardians).

(2) A special guardian⁠.

Special guardianship orders: making

14B.⁠ Before making a special guardianship order, the court must consider whether, if the order were made⁠—

(a) a contact order should also be made with respect to the child; and

(b) any Article 8 order in force with respect to the child should be varied or discharged.

Special guardianship orders: effect

14C.⁠—(1) The effect of a special guardianship order is that while the order remains in force⁠—

(a) a special guardian appointed by the order has parental responsibility for the child in respect of whom it is made; and

(b) subject to any other order in force with respect to the child under this Order, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility for the child (apart from another special guardian).

(2) Paragraph (1) does not affect⁠—

(a) the operation of any statutory provision or rule of law which requires the consent of more than one person with parental responsibility in a matter affecting the child; or

(b) any rights which a parent of the child has in relation to the child’s adoption or placement for adoption.”.

(20) In Article 57 of that Order (interim orders), after paragraph (3) insert⁠—

{nisi}“(3A) Where, in any proceedings on an application for a care or a supervision order, a court makes a special guardianship order with respect to the child concerned, it may also make an interim supervision order with respect to the child if it considers it necessary to do so to satisfactorily safeguard the child’s welfare.”.

(21) In Article 159 of that Order (appointment of guardians by court) note that this is one of those bad unnumbered paragraph examples {nisi}“; or

(c) sub-paragraph (b) does not apply, and the child’s only or last surviving special guardian dies.”.

(22) In Article 18 of the Children Order (general duty of authority to provide social care for children in need, their families and others) after paragraph (4) insert⁠—

{nisi}“(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on it by this Article, an authority must, so far as is reasonably practicable and consistent with the child’s welfare—

(a) ascertain the child’s wishes and feelings regarding the provision of those services; and

(b) give due consideration (having regard to the child’s age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”.

(23) In Article 66 of the Children Order (authority’s duty to investigate), after paragraph (5) insert⁠—

{nisi}“(5A) For the purposes of making a determination under this Article as to the action to be taken with respect to a child, an authority must, so far as is reasonably practicable and consistent with the child’s welfare—

(a) ascertain the child’s wishes and feelings regarding the action to be taken with respect to the child; and

(b) give due consideration (having regard to the child’s age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”.

(24) In Article 18 of the Children Order (general duty of authority to provide social care for children in need, their families and others), for paragraph (6) substitute⁠—

{nisi}“(6) The services provided by an authority in the exercise of functions conferred on it by this Article may include⁠—

(a) giving assistance in kind;

(b) subject to paragraph (6A), giving assistance in cash;

(c) in the case of an eligible child and subject to paragraph (6B), providing accommodation.

(6A) In deciding whether to give assistance in cash, the authority must have regard to any guidance provided by the Department.

(6B) In providing accommodation, the authority must have regard to any guidance provided by the Department.

(6C) In paragraph (6) “eligible child” means a child who is not being looked after by an authority and⁠—

(a) is disabled; or

(b) falls within a prescribed category.”.

(25) In Article 26 of the Children Order (general duty of authority), after paragraph (1) insert⁠—

{nisi}“(1A) The duty of an authority under paragraph (1)(a) to safeguard and promote the welfare of a child looked after by the authority includes in particular a duty to promote the child’s educational achievement.”.

(26) After Article 26 of the Children Order (general duty of authority) insert⁠—

{ssi-regs}“Corporate parenting principles

26A.—(1) An authority must, in carrying out functions in relation to persons to whom this Article applies, have regard to the need⁠—

(a) to act in their best interests, and promote their well-being;

(b) to encourage them to express their views, wishes and feelings.

(2) This Article applies to⁠—

(a) children who are looked after by an authority;

(b) relevant children within the meaning given by Article 34B(2); and

(c) persons aged under 25 (or such other age as may be prescribed) who are former relevant children within the meaning given by Article 34D(1).”.

Short title

3**.** This Act may be cited as the Adoption and Children Act (Northern Ireland) 2021.

SCHEDULE

Minor and consequential amendments

Part 1

Amendments of primary legislation

The Legitimacy Act (Northern Ireland) 1928

1. Testing default nia doc type in section 1 (orders to which Part 1 applies), in subsection (1) after paragraph (c) insert⁠—

“(ca) a special guardianship order made by a court in Northern Ireland under the Children (Northern Ireland) Order 1995;

(cb) an order made under section 23 of the Adoption and Children Act (Northern Ireland) 2021 (contact), other than an order varying or revoking such an order;

(cc) an order made under section 49 of the Adoption and Children Act (Northern Ireland) 2021 (post-adoption contact), other than an order varying or revoking such an order;”.

The Child Support (Northern Ireland) Order 1991

2. In Article 4 (meaning of certain other terms used in the Order), in paragraph (4) after sub-paragraph (b) insert⁠—

{nisr}“(ba) special guardians (within the meaning of Article 14A of the Children (Northern Ireland) Order 1995);”.

3. For Schedule 3 (application and modification of Adoption (Northern Ireland) Order 1987 in respect of parental orders and applications for such orders) substitute⁠—

{nisi-sch}“1. The provisions of the 2021 Act set out in the following paragraphs have effect in relation to parental orders and applications for parental orders subject to the modifications set out in those paragraphs.

2.—(1) Section 1 (considerations applying to the exercise of powers) is modified as follows.

(2) The section has effect as if the words “or adoption agency” were omitted on each occasion they appear.

(3) Subsection (1) has effect as if for “the adoption of” there were substituted “the making of a parental order in relation to”.