CHILDREN AND YOUNG PERSONS

Act of Sederunt (Adoption of Children) 1950

1950 No. 62 (S. 2)

Made - - - -	10*th January*, 1950
Coming into Operation	18*th January*, 1950

THE LORDS OF COUNCIL AND SESSION, under and by virtue of the powers conferred upon them by section 8 of the Adoption of Children (Scotland) Act, 1930(**a**), and of all other powers competent to them in that behalf do hereby enact as follows :—

1.—(1) An application to amend an adoption order under subsection (8) of section 12 of the Adoption of Children Act, 1949(**b**) (hereafter in this Act of Sederunt referred to as "the Act of 1949") may be made by a minute lodged in the adoption process.

(2) On the presentation of any such minute the envelope containing the process shall be opened and the process made available for the purposes of the said application, and on such purpose being served the process shall again be dealt with in terms of Rule 243 (*d*) of the Rules of Court or paragraph 12 (*b*) of the Act of Sederunt of 30th October, 1930, as the case may be.

(3) The Interlocutor pronounced on any such minute amending an adoption order shall be communicated to the Registrar General for Scotland by the Clerk of Court (or Sheriff Clerk as the case may be) in like manner as the original adoption order.

2. An application under subsection (4) of section 3 of the Act of 1949 for leave to remove the child from the care and possession of the applicant for adoption may be made by minute lodged in the adoption process.

3. For the purposes of subsection (3) of section 3 of the Act of 1949 a document executed outside the United Kingdom shall be sufficiently attested if it is attested as follows :—

(*a*) if the person by whom the document is executed is serving in any of His Majesty's Forces, by any officer holding a commission in any of those Forces ;

(*b*) in any other case, by a British consular officer or by any person for the time being authorised by the law of the place of execution to administer an oath for any judicial or legal purpose.

4.—(1) In all applications for adoption the applicant shall state (*a*) the date upon which the child was received into his care and possession, (*b*) whether the child has since that date been continuously in his care and possession and (*c*) the date upon which he notified the welfare authority for the area in which he was then residing of his intention to apply for an adoption order in respect of the child. These statements shall be investigated by the curator *ad litem* and the results of his investigation shall be included in his report.

(2) The prayer of an application for adoption shall where necessary be adjusted to conform to the provisions of section 12 of the Act of 1949.

(a) 20 & 21 Geo. 5. c. 37. (b) 12, 13 & 14 Geo. 6. c. 98.

5. This Act of Sederunt may be cited as the Act of Sederunt (Adoption of Children) 1950, and shall come into operation on 18th January, 1950.

And the Lords direct this Act of Sederunt to be inserted in the Books of Sederunt.

T. M. Cooper,
I.P.D.

Edinburgh.
10th January, 1950.

Act of Sederunt (Adoption of Children) (No. 2) 1950

1950 No. 2142 (S. 144)

Made - - - - 19*th December,* 1950
Coming into Operation 1st *January,* 1951

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 9 of the Adoption Act, 1950(**a**) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. If any person proposing to present a petition to the Court of Session or to any Sheriff Court for an adoption order desires that his identity shall not be disclosed to any person whose consent to the order is required he may before presenting such petition apply to the Deputy Principal Clerk of Session or to the sheriff clerk of the Court in which the petition is to be presented, as the case may be, for a serial number to be assigned to him for the purpose of the proposed petition and such number shall be assigned to him accordingly. The record of such serial numbers, and of the persons to whom they apply, shall be treated as confidential and shall be open only to the Court.

2. Where the identity of the person in whose favour an adoption order is to be granted is not known to a consenting party, the document signifying such consent for the purpose of section 4 of the said Act of 1950 shall not name such person as petitioner but shall refer to him as the petitioner to whom such serial number has been assigned and shall specify the year in which and the Court by which such serial number has been assigned.

3. In the Rules of Court(**b**) for the words " twenty years next after the date of the adoption order " occurring in paragraph (*d*) of Rule 243 there shall be substituted the words " forty years next after the date of the adoption order ".

4. In the Act of Sederunt of 30th October 1930(**c**) to regulate proceedings under the Adoption of Children (Scotland) Act, 1930(**d**) for the words " twenty years next after the date of the adoption order " occurring in sub-paragraph (*b*) of paragraph 12 there shall be substituted the words " forty years next after the date of the adoption order ".

5. This Act of Sederunt may be cited as the Act of Sederunt (Adoption of Children) (No. 2) 1950 and shall come into operation on 1st January 1951.

And the Lords direct this Act of Sederunt to be inserted in the Books of Sederunt.

T. M. Cooper, I.P.D.

Edinburgh,
19th December, 1950.

(**a**) 14 Geo. 6. c. 26. (**b**) Enacted by S.I. 1948 (No. 1691) I, p. 3778.
(**c**) S.R. & O. 1930 (No. 891) p. 3. (**d**) 20 & 21 Geo. 5. c. 37.