STATUTORY INSTRUMENTS

1977 No. 472 (S.45)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) (Adoption Proceedings) 1977

Made - - - 10*th March* 1977

Coming into Operation 4*th April* 1977

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(**a**) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) (Adoption Proceedings) 1977 and shall come into operation on 4th April 1977.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Children Act 1975*: general amendments to adoption rules*

2. In the Rules of Court(**c**), in rules 219 to 230, and in the Appendix, in Forms 36 and 37—

(*a*) for references to an infant there are substituted references to a child;

(*b*) references to a parent shall be construed as including references to a guardian.

Specific amendments

3. In the rules and forms mentioned in paragraph 2 as respectively specified in column 1 of the table set out below, for the words specified in column 2 of the table opposite those rules and forms respectively, there are substituted the words specified in column 3 of the table opposite those words.

(a) 1933 c. 41. (b) 1889 c. 63. (c) S.I. 1965/321/(1965 I,p. 803)

TABLE

Column 1	Column 2	Column 3
Heading	(Adoption Act, 1958)	Adoption Acts 1958 to 1964 and Children Act 1975
219(*b*)	All consents required under section 4 of the Act	Agreements required under section 12 of the Act of 1975
	the said Act	the Act of 1958
219(*c*)	Act	Act of 1958
220	consenting party	person giving the agreement
	consent	agreement
	Act	Act of 1958
221(*a*)(i)	consent	agreement
221(*a*)(viii)	is consistent with the welfare of the infant	is likely to safeguard and promote the welfare of the child throughout his childhood
221(*b*)	children's officer	Director of Social Work
222(*a*)	consent	agreement
	sub-section 1 of section 4 of the Act	section 12(1) of the Act of 1975
222(*b*)	parent of the infant	parent of the child, or having the custody or care of the child, or in the case of a local authority, having the child committed to their care
	section 75 of the Children and Young Persons Act 1933, or paragraph 12(1) of the Fourth Schedule to that Act	section 24 of the Children and Young Persons Act 1969
	Children Act 1948	Children Act 1948 as amended
	section 79 of the Children and Young Persons (Scotland) Act 1937	sections 16 and 17 of the Social Work (Scotland) Act 1968, as amended
	sections 5 or 10	section 10
	1958	1958, or section 43 of the Matrimonial Causes Act 1973, or section 5 of the Guardianship of Infants Act 1886 or section 9 of the Guardianship of Minors Act 1971 or sections 2(2)(*b*) and 11(1)(*a*) of the Guardianship Act 1973

Column 1	Column 2	Column 3
222(*d*)	Act	Act of 1958
230(*a*)	Act	Act of 1958
230(*c*)	(ii)	(ii) by or to the Clerk or Extractor on the written application to him by a local authority or registered adoption society with the agreement of the adopted person for the purpose of ascertaining the name of the agency, if any, responsible for the placement of that person, and informing the applicant of that name;
230(*d*)	sub-section 1 of section 26 of the Act	(iii) section 26(1A) of the Act of 1958
230(*e*)	Act	Act of 1958
Form 36 paras 1 and 15	Adoption Act 1958	Adoption Acts 1958 to 1964 and Children Act 1975
Form 36 para 13	consents	agreements and consents
Form 36 para 15	in the form set out in the Schedule to the said Act	in the form prescribed by him
	in column 2 of the said Schedule	in the said form
Form 37 heading	Form of Consent	Form of Agreement or of Consent
Form 37	consent to the making of an Adoption Order in favour of the petitioner(s) (on condition that the religious persuasion in which the infant is proposed to be brought up is)	consent (*in the case of the father and mother and guardian* agree unconditionally) to the making of an Adoption Order in favour of the petitioner(s)

Intimation under section 17 *of the Children Act* 1975

4. In the Rules of Court, after rule 225, there is inserted the following rule—

"225A. *Supervision and committal orders where application refused*

Where the Court refuses to make an Adoption Order in relation to a child under the age of 16 and proposes to order—

(*a*) that the child shall be under the supervision of a specified local authority; or

(*b*) that the child be committed to the care of a specified local authority,

the Court shall appoint intimation to be made to the local authority concerned of the proposed order and give the local authority an opportunity to make representations in relation thereto; and any such representations may be made by minute, and on said minute being lodged the parties to the Petition may lodge answers thereto within such period as the Court may allow."

Application under section 30 *of Children Act* 1975.

5. In the Rules of Court, after rule 228, there is inserted the following rule—

"228A. *Orders under section* 30 *of Act of* 1975 *for return of child or prohibiting removal of child pending Adoption Order*

An application to the Court under section 30 of the Act of 1975 shall be made by way of minute in the Adoption process".

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

G. C. Emslie
I.P.D.

Edinburgh.
10th March 1977.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt amends the Rules of the Court of Session relating to adoption orders in consequence of the coming into force of certain provisions of the Children Act 1975.(C.72)

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