Table of Statutes referred to in this Act

Short Title	Session and Chapter
Matrimonial Causes Act, 1857	20 & 21 Vict. c. 85.
Naval Enlistment Act, 1884	47 & 48 Vict. c. 46.
Criminal Lunatics Act, 1884	47 & 48 Vict. c. 64.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Legitimacy Act, 1926	16 & 17 Geo. 5. c. 60.
Administration of Justice Act, 1928	18 & 19 Geo. 5. c. 26.
Mental Treatment Act, 1930	20 & 21 Geo. 5. c. 23.
Marriage (Prohibited Degrees of Relationship) Act, 1931	21 & 22 Geo. 5. c. 31.
Supreme Court of Judicature (Amendment) Act, 1935	25 & 26 Geo. 5. c. 2.
Law Reform (Married Women and Tortfeasors) Act, 1935	25 & 26 Geo. 5. c. 30.
Matrimonial Causes Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 57.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6. c. 63.
Matrimonial Causes (War Marriages) Act, 1944 ...	7 & 8 Geo. 6. c. 43.
Consolidation of Enactments (Procedure) Act, 1949	12 & 13 Geo. 6. c. 33.
Married Women (Restraint upon Anticipation) Act, 1949	12, 13 & 14 Geo. 6. c. 78.
Law Reform (Miscellaneous Provisions) Act, 1949	12, 13 & 14 Geo. 6. c. 100.

CHAPTER 26

Adoption Act, 1950

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[28th July 1950.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

ADOPTION ORDERS

Making of adoption orders

Power to make adoption orders.

1.—(1) Subject to the provisions of this Act, the court may, upon an application made in the prescribed manner by a person domiciled in England or Scotland, make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant.

(2) An adoption order may be made on the application of two spouses authorising them jointly to adopt an infant.

(3) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

Restrictions on making adoption orders.

2.—(1) An adoption order shall not be made in respect of an infant unless the applicant or, in the case of a joint application, one of the applicants—

(*a*) has attained the age of twenty-five and is at least twenty-one years older than the infant; or

(*b*) has attained the age of twenty-one and is a relative of the infant; or

(*c*) is the mother or father of the infant.

(2) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) Except as provided by subsection (2) of section one of this Act, an adoption order shall not be made authorising more than one person to adopt an infant.

(4) Subject to the provisions of section three of this Act, an adoption order shall not be made—

(*a*) in any case, except with the consent of every person or body who is a parent or guardian of the infant or who

is liable by virtue of any order or agreement to contribute to the maintenance of the infant;

(*b*) on the application of one of two spouses, except with the consent of the other spouse,

and shall not be made in Scotland in respect of an infant who is a minor except with the consent of the infant.

(5) An adoption order shall not be made in England unless the applicant and the infant reside in England, and shall not be made in Scotland unless the applicant and the infant reside in Scotland.

(6) An adoption order shall not be made in respect of any infant unless—

(*a*) the infant has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and

(*b*) the applicant has, at least three months before the date of the order, notified the welfare authority within whose area he is for the time being resident of his intention to apply for an adoption order in respect of the infant.

Consent to adoption.

3.—(1) The court may dispense with any consent required by paragraph (*a*) of subsection (4) of section two of this Act if it is satisfied—

(*a*) in the case of a parent or guardian of the infant, that he has abandoned, neglected or persistently ill-treated the infant;

(*b*) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the infant, that he has persistently neglected or refused so to contribute;

(*c*) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld.

(2) The court may dispense with the consent of the spouse of an applicant for an adoption order if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving the consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(3) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the infant) may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is to be brought up) without knowing the identity of the applicant for the order; and where consent so given

PART I —*cont.*

by any person is subsequently withdrawn on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(4) While an application for an adoption order in respect of an infant is pending in any court, any parent or guardian of the infant who has signified his consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the court, to remove the infant from the care and possession of the applicant; and in considering whether to grant or refuse such leave the court shall have regard to the welfare of the infant.

Evidence of consent of parent or guardian.

4.—(1) Where any person whose consent to the making of an adoption order is required by paragraph (*a*) of subsection (4) of section two of this Act does not attend in the proceedings for the purpose of giving it, then, subject to the provisions of subsection (3) of this section, a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.

(2) Where any such document is attested by a justice of the peace (or, if executed outside the United Kingdom, by a person of any such class as may be prescribed), the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed; and for the purposes of this subsection, a document purporting to be attested as aforesaid shall be deemed to be so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.

(3) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—

(*a*) the infant is at least six weeks old on the date of the execution of the document; and

(*b*) the document is attested on that date by a justice of the peace or, as the case may be, by a person of a class prescribed for the purposes of subsection (2) of this section.

(4) In the application of this section to Scotland, for the words "admissible as evidence" and the word "admissible" there shall be substituted the words "sufficient evidence", and references to a justice of the peace shall include references to the sheriff.

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Functions of court as to adoption orders.

5.—(1) The court before making an adoption order shall be satisfied—

(*a*) that every person whose consent is necessary under this Act, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(*b*) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and

(*c*) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

(2) The court in an adoption order may impose such terms and conditions as the court may think fit, and in particular may require the adopter by bond or otherwise to make for the infant such provision (if any) as in the opinion of the court is just and expedient.

Interim orders.

6.—(1) Subject to the provisions of this section, the court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of subsection (6) of section two of this Act.

(4) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

Adoption order in respect of infants previously adopted.

7.—(1) An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order under this Act or under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930.

(2) In relation to an application for an adoption order in respect of such an infant, the adopter or adopters under the previous or last previous adoption order shall be deemed to be the parent or parents of the infant for all the purposes of this Act.

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Jurisdiction and procedure in England.

8.—(1) An application for an adoption order may be made in England to the High Court or, at the option of the applicant but subject to any rules made under this section, to any county court or court of summary jurisdiction within the jurisdiction of which the applicant or the infant resides at the date of the application.

(2) Rules in regard to any matter to be prescribed under this Part of this Act and dealing generally with all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect shall be made in England by the Lord Chancellor.

(3) Such rules may provide for applications for adoption orders being heard and determined otherwise than in open court, and, where the application is made to a court of summary jurisdiction, for the hearing and determination of the application in a juvenile court.

(4) For the purpose of any application in England for an adoption order, the court shall, subject to any rules under this section, appoint some person or body to act as guardian ad litem of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

(5) Where the body so appointed is a local authority the court may authorise the authority to incur any necessary expenditure; but nothing in this section shall be deemed to authorise the court to appoint a local authority to act as guardian ad litem except with the consent of that authority.

Jurisdiction and procedure in Scotland.

9.—(1) An application for an adoption order may be made in Scotland to the Court of Session or to the sheriff court or juvenile court within whose jurisdiction the applicant or the infant resides at the date of the application.

(2) In Scotland, provision shall be made by act of sederunt with regard to any matter to be prescribed under this Part of this Act, and generally with regard to all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect.

(3) Any such act of sederunt may provide for applications for adoption orders being heard and determined otherwise than in open court.

(4) For the purpose of any application in Scotland for an adoption order, the court shall, subject to any act of sederunt under this section, appoint some person to act as curator ad litem of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

(5) Where the person so appointed is an officer or servant of a local authority and appointed as such, the court may authorise the authority to incur any necessary expenditure;

PART I —*cont.*

but nothing in this section shall be deemed to authorise the court to appoint an officer or servant of a local authority to act as curator ad litem of an infant except with the consent of that authority.

Effects of adoption orders

Rights and duties of parents and capacity to marry.

10.—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or guardians of the infant in relation to the future custody, maintenance and education of the infant, including all rights to appoint a guardian and (in England) to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid (and, in Scotland, in respect of the liability of a child to maintain his parents) the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother of the infant and the infant shall stand to them respectively in the same relation as to a lawful father and mother respectively.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(4) The references in subsection (3) of this section to an adoption order include references to an order authorising an adoption made after the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

Industrial insurance, etc.

11.—(1) For the purposes of the enactments for the time being in force relating to friendly societies, collecting societies and industrial insurance companies, which enable such societies and companies to insure money to be paid for funeral expenses and which restrict the persons to whom money may be paid on the death of a child under the age of ten, an adopter shall be deemed to be the parent of the infant whom he is authorised to adopt under an adoption order.

PART I —*cont.*

(2) Where, before the making of an adoption order in respect of an infant, any such insurance has been effected by the natural parent of the infant, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter, and the adopter shall, for the purposes of the said enactments, be treated as the person who took out the policy.

Affiliation orders, etc.

12.—(1) Where an adoption order is made in respect of an infant who is illegitimate, then, subject to the provisions of this section, any affiliation order or decree of affiliation and aliment in force with respect to the infant, and any agreement whereby the father of the infant has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order, decree or agreement at the date of the adoption order.

(2) Where an infant to whom any such order, decree or agreement as aforesaid relates is adopted by his mother, and the mother is a single woman, the order, decree or agreement shall not cease to have effect by virtue of the foregoing subsection upon the making of the adoption order, but shall cease to have effect if she subsequently marries.

(3) Where an adoption order is made in respect of an infant committed to the care of a fit person by an order in force under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, the last mentioned order shall cease to have effect.

(4) Where an adoption order is made in respect of an infant in respect of whom a resolution is in force under section two of the Children Act, 1948 (which provides for the assumption by local authorities of parental rights in certain circumstances), the resolution shall cease to have effect.

(5) The references in this section to an adoption order include references to an order authorising an adoption made after the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

English intestacies, wills and settlements.

13.—(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than property subject to an entailed interest under a disposition made before the date of the adoption order), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

PART I —*cont.*

(2) In any disposition of real or personal property made, whether by instrument inter vivos or by will (including codicil), after the date of an adoption order—

(*a*) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;

(*b*) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and

(*c*) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) Where under any disposition any real or personal property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity, but the property or interest shall devolve in all respects as if this section had not been enacted.

(4) The references in this section to an adoption order include references to an order authorising an adoption made after the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

Provisions supplementary to s. 13.

14.—(1) For the purposes of the application of the Administration of Estates Act, 1925, to the devolution of any property in accordance with the provisions of the last foregoing section, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

(*a*) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;

(*b*) in any other case, as brother or sister of the half-blood.

PART I —*cont.*

(2) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date of an adoption order shall not be treated for the purposes of the last foregoing section as made after that date by reason only that the will or codicil is confirmed by a codicil executed after that date.

(3) Notwithstanding anything in the last foregoing section, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of the last foregoing section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

(5) The references in this section to an adoption order shall be construed in accordance with subsection (4) of the last foregoing section.

Scottish intestacies, etc.

15.—(1) Sections thirteen and fourteen of this Act shall not affect the law of Scotland relating to the distribution of the moveable estate of a person dying domiciled in Scotland, the devolution of heritable property situated in Scotland or the disposal of any property by instrument inter vivos.

(2) An adoption order shall not deprive the adopted person of any legal rights competent to him in the estate of his parents or of any right to or interest in property to which, but for the order, he would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, or confer on him any right to or interest in property as a child of the adopter; and the expressions "child", "children" and "issue", where used in relation to any person in any disposition, shall not, unless the contrary intention appears, include a person or persons adopted by that person, or the issue of a person so adopted.

(3) In this section the expression "disposition" means a deed, instrument or writing whether inter vivos or mortis causa whereby property is conveyed or under which a succession arises.

(4) This section extends to Scotland only, and references therein to an adoption order and to an adopter and an adopted

person shall be construed as references to an adoption order made in Scotland and to an adopter and a person adopted in pursuance of such an order.

Citizenship.

16.—(1) Where an adoption order is made in respect of an infant who is not a citizen of the United Kingdom and Colonies, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of the United Kingdom and Colonies, the infant shall be a citizen of the United Kingdom and Colonies as from the date of the order.

(2) The references in this section to an adoption order include references to an order authorising an adoption under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

Registration of adoption orders

Adopted Children Register (England).

17.—(1) The Registrar General shall maintain at the General Register Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) In England, a certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall, without any further or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the copy were a certified copy of an entry in the Registers of Births.

(3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in the General Register Office; and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Acts, 1836 to 1947, in respect of searches in other indexes kept in the General Register Office and in respect of the supply from that office of certified copies of entries in the certified copies of the Registers of Births, Deaths and Marriages.

(4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connexion between any entry in the Registers of Births which has been marked " Adopted " pursuant to the next following section, section eleven of the Adoption of Children Act, 1926, or section twelve of the

PART I —*cont.*

Adoption of Children Act, 1949, and any corresponding entry in the Adopted Children Register; but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search, nor, except under an order of a court of competent jurisdiction, shall the Registrar General furnish any person with any information contained in or with any copy or extract from any such registers or books.

(5) Regulations made by the Registrar General under the Births and Deaths Registration Acts, 1836 to 1947, may make provision as to the duties to be performed by Superintendent Registrars and Registrars of Births and Deaths in the execution of this and the next following section.

Registration of English adoptions.

18.—(1) Every adoption order made by a court in England shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set out in the First Schedule to this Act, and (subject to the provisions of the next following subsection) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

(2) For the purposes of compliance with the requirements of the last foregoing subsection—

(*a*) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;

(*b*) where the name or surname which the infant is to bear after the adoption differs from his original name or surname, the new name or surname shall be specified in the order instead of the original;

and where the country of birth of the infant is not proved to the satisfaction of the court, the particulars of that country may, notwithstanding anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.

(3) Where upon any application to a court in England for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by a court in England under this Act or the Adoption of Children Act, 1926) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word "Adopted".

(4) Where an adoption order is made by a court in England in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or the

PART I —*cont.*

Adoption of Children Act, 1926, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word " Re-adopted ".

(5) Where an adoption order is made by a court in England, the prescribed officer of the court shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of such communication the Registrar General shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Registers of Births with the word " Adopted " and in regard to making the appropriate entry in the Adopted Children Register.

Adopted Children Register (Scotland).

19.—(1) The Registrar General for Scotland shall maintain at the General Registry Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) In Scotland, an extract of any entry in the Adopted Children Register maintained under this section, if purporting to be sealed or stamped with the seal of the General Registry Office, shall, without any further or other proof of the entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the extract were an extract of an entry in the Register of Births.

(3) The Registrar General for Scotland shall cause an index of the Adopted Children Register maintained under this section to be made and kept in the General Registry Office; and every person shall be entitled to search that index and to have an extract of any entry in the said register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, in respect of searches in other indexes kept in the General Registry Office and in respect of the supply from that office of extracts of entries in the Registers of Births, Deaths and Marriages.

(4) The Registrar General for Scotland shall, in addition to the Adopted Children Register and the index thereto, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked " Adopted " pursuant to the next following section, section eleven of the Adoption of Children (Scotland) Act, 1930, or section twelve of the Adoption of Children Act, 1949, in the

PART I —*cont.*

application of that Act to Scotland, and any corresponding entry in the Adopted Children Register maintained under this section; but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search, nor, except under an order of the Court of Session or a sheriff, shall the Registrar General furnish any information contained in or any copy or extract from any such registers or books to any person other than an adopted person who has attained the age of seventeen years and to whom that information, copy or extract relates.

(5) Regulations made under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, may make provision as to the duties to be performed by Registrars of Births, Deaths and Marriages in the execution of this and the next following section.

(6) The provisions of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, with regard to the registration of names given in baptism or without baptism after registration of birth and with regard to the alteration of erroneous entries shall apply to the Adopted Children Register maintained by the Registrar General for Scotland and to registration therein in like manner as they apply to any register of births and to registration therein.

Registration of Scottish adoptions.

20.—(1) Every adoption order made by a court in Scotland shall contain a direction to the Registrar General for Scotland to make in the Adopted Children Register maintained by him an entry recording the adoption in the form set out in the Second Schedule to this Act.

(2) For the purpose of compliance with the requirements of the foregoing subsection, where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth, and the date so determined shall be specified in the order as the date of his birth; and where the country of the birth of the infant is not proved to the satisfaction of the court, the particulars of that country may, notwithstanding anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.

(3) There shall be produced with every application to a court in Scotland for an adoption order in respect of an infant whose birth has been registered under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, an extract of the entry of the birth.

(4) Where upon any application to a court in Scotland for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by

PART I —*cont.*

a court in Scotland under this Act or under the Adoption of Children (Scotland) Act, 1930) there is proved to the satisfaction of the court the identity of the infant with a child to which an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General for Scotland to cause the entry in that register to be marked with the word " Adopted ".

(5) Where an adoption order is made by a court in Scotland in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or the Adoption of Children (Scotland) Act, 1930, the order shall contain a direction to the Registrar General for Scotland to cause the previous entry in the Adopted Children Register maintained by him to be marked with the word " Re-adopted ".

(6) Where an adoption order is made by a court in Scotland, the clerk of the court shall cause the order to be communicated to the Registrar General for Scotland, and upon receipt of such communication the Registrar General shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Register of Births with the word " Adopted " and in regard to making the appropriate entry in the Adopted Children Register maintained by him.

Amendment of orders and rectification of Registers.

21.—(1) The court by which an adoption order has been made under this Act or the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein; and where an adoption order is so amended, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the amendment to be communicated in the prescribed manner to the Registrar General or the Registrar General for Scotland, as the case may be; and any necessary correction of or addition to the Adopted Children Register shall be made accordingly.

(2) Where the adoption order was made before the first day of January, nineteen hundred and fifty, the power of the court under the foregoing subsection shall include power to amend the order—

(*a*) by the insertion of the country of the adopted person's birth;

(*b*) (where the order does not specify a precise date as the date of the adopted person's birth) by the insertion of the date which appears to the court to be the date or probable date of his birth;

and the provisions of that subsection shall have effect accordingly.

PART I —*cont.*

(3) Where an adoption order is quashed or an appeal against an adoption order allowed, the court which made the order shall give directions to the Registrar General or the Registrar General for Scotland to cancel any marking of an entry in the Registers of Births or, as the case may be, in the Register of Births, and any entry in the Adopted Children Register, which was effected in pursuance of the order.

(4) Where the Registrar General is notified by the Registrar General for Scotland that an adoption order has been made by a court in Scotland under this Act or the Adoption of Children (Scotland) Act, 1930, in respect of an infant to whom an entry in the Registers of Births or the Adopted Children Register relates, the Registrar General shall cause the entry to be marked "Adopted (Scotland)", or, as the case may be, "Re-adopted (Scotland)"; and where, after an entry has been marked in pursuance of this subsection or subsection (6) of section twelve of the Adoption of Children Act, 1949, the Registrar General is notified as aforesaid that the adoption order has been quashed, or that an appeal against an adoption order has been allowed, he shall cause the marking to be cancelled.

(5) Where the Registrar General for Scotland is notified by the Registrar General that an adoption order has been made by a court in England under this Act or the Adoption of Children Act, 1926, in respect of an infant to whom an entry in the Register of Births or the Adopted Children Register maintained by the Registrar General for Scotland relates, the Registrar General for Scotland shall cause the entry to be marked "Adopted (England)" or, as the case may be, "Re-adopted (England)"; and where after an entry has been marked in pursuance of this subsection or of subsection (6) of section twelve of the Adoption of Children Act, 1949, in the application of that Act to Scotland, the Registrar General for Scotland is notified that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

(6) A copy or extract of an entry in any register, being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(7) In relation to an adoption order made by a court of summary jurisdiction, the reference in subsection (1) of this section to the court by which the order has been made includes a reference to a court acting for the same petty sessional division or place.

PART II

ADOPTION SOCIETIES

Restriction on making arrangements for adoption.

22.—(1) It shall not be lawful for any body of persons to make any arrangements for the adoption of an infant unless that body is a registered adoption society or a local authority.

(2) If any person takes any part in the management or control of a body of persons which exists wholly or in part for the purpose of making arrangements for the adoption of infants and which is not a registered adoption society or a local authority, he shall, on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both.

(3) In any proceedings under this section, proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of infants on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

Registration of adoption societies.

23.—(1) Subject to the following provisions of this Part of this Act, where application is made in the prescribed manner by or on behalf of an adoption society to the local authority in whose area the administrative centre of the society is situated and there is furnished therewith the prescribed information relating to the activities of the society, the local authority shall, on payment by the society of such fee (not exceeding one pound) as may be prescribed, register the society under this Part of this Act.

(2) Any question where the administrative centre of an adoption society is situated shall be determined by the Secretary of State, whose determination shall be final.

(3) A local authority shall not register an adoption society under this Part of this Act unless the authority are satisfied, by such evidence as the authority may reasonably require, that the society are a charitable association.

(4) A local authority may refuse to register an adoption society under this Part of this Act, if it appears to the authority—

(*a*) that the activities of the society are not controlled by a committee of members of the society who are responsible to the members of the society;

PART II —*cont.*

(*b*) that any person proposed to be employed, or employed, by the society for the purpose of making any arrangements for the adoption of children on behalf of the society is not a fit and proper person to be so employed;

(*c*) that the number of competent persons proposed to be employed, or employed, by the society for the purpose aforesaid is, in the opinion of the authority, insufficient having regard to the extent of the activities of the society in connection with that purpose; or

(*d*) that any person taking part in the management or control of the society or any member of the society has been convicted of an offence under this Part of this Act or under the Adoption of Children (Regulation) Act, 1939, or of a breach of any regulations made under this Part of this Act or under that Act.

(5) A local authority may at any time cancel the registration of an adoption society on any ground which would entitle the authority to refuse an application for the registration of the society, or on the ground that the society are no longer a charitable association, or on the ground that the administrative centre of the society is no longer situated in the area of the authority.

Procedure and right of appeal.

24.—(1) Where a local authority propose to refuse an application for registration made to them by or on behalf of an adoption society or to cancel the registration of an adoption society, the local authority shall give to the society not less than fourteen days' notice in writing of their intention so to do.

(2) Every such notice shall state the grounds on which the authority intend to refuse the application or to cancel the registration, as the case may be, and shall contain an intimation that, if within fourteen days after the receipt of the notice the society inform the authority in writing that they desire so to do, the authority will, before refusing the application or cancelling the registration, as the case may be, give to the society an opportunity of causing representations to be made to the authority by or on behalf of the society.

(3) If the local authority, after giving to the society an opportunity of causing such representations as aforesaid to be made, decide to refuse the application for registration or to cancel the registration, as the case may be, they shall give to the society notice in writing of their decision.

PART II —*cont.*

(4) Any adoption society aggrieved by the refusal of an application for registration, or by the cancellation of their registration, by a local authority may—

(*a*) in England, appeal to quarter sessions by a notice of appeal given within twenty-one days after notice in writing of the decision has been given to the society;

(*b*) in Scotland, appeal to the sheriff within whose jurisdiction the administrative centre of the society is situated within the said twenty-one days.

(5) Section thirty-one of the Summary Jurisdiction Act, 1879 (which relates to appeals from courts of summary jurisdiction to courts of quarter sessions), shall, with the necessary modifications, apply in relation to an appeal in England under this section as if the decision of the local authority were an order of a court of summary jurisdiction.

(6) Where the registration of an adoption society is cancelled by a local authority, the adoption society shall, for the purposes of this Part of this Act, be deemed to be registered under this Part of this Act during the period within which an appeal against the cancellation may be brought under this section and, if such an appeal is brought, until the determination or abandonment of the appeal.

Adoption societies regulations.

25.—(1) The Secretary of State may make regulations for any of the purposes set out in the Third Schedule to this Act and for prescribing anything which by this Part of this Act (including that Schedule) is authorised or required to be prescribed.

(2) Any person who contravenes or fails to comply with the provisions of a regulation made under this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

Inspection of books, etc., of registered adoption societies.

26.—(1) A local authority may at any time give notice in writing to any registered adoption society which has been registered by the authority under this Part of this Act, or to any officer of such a society, requiring that society or officer to produce to the authority such books, accounts and other documents relating to the performance by the society of the function of making arrangements for the adoption of infants as the authority may consider necessary for the exercise of the powers conferred on the authority by subsection (5) of section twenty-three of this Act.

PART II —*cont.*

(2) Any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by statutory declaration.

(3) Any person who fails to comply with the requirements of a notice under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both.

Arrangements by adoption societies for adoption.

27.—(1) It shall not be lawful for a registered adoption society by whom arrangements are made for the adoption of an infant—

(*a*) to place the infant in the care and possession of a person resident in Great Britain who proposes to adopt him, whether in pursuance of an adoption order or otherwise, if an adoption order in respect of the infant could not lawfully be made in favour of that person;

(*b*) to place the infant in the care and possession of a person resident abroad, unless a licence has been granted in respect of the infant under section forty of this Act.

(2) At any time within three months from the date on which an infant is delivered into the care and possession of a person resident in Great Britain in pursuance of arrangements made by a registered adoption society for the adoption of the infant by that person—

(*a*) that person may give notice in writing to the society of his intention not to adopt the infant; or

(*b*) the society may cause notice in writing to be given to that person of their intention not to allow the infant to remain in his care and possession.

(3) If at the expiration of the period of three months mentioned in subsection (2) of this section no such notice as is mentioned in that subsection has been given, the person into whose care and possession the infant was delivered shall, within six months after the expiration of that period, either—

(*a*) apply to the court for an adoption order in respect of the infant; or

(*b*) give notice in writing to the society of his intention not to apply for such an order.

(4) Where any notice is given to a registered adoption society by any person, or by such a society to any person, under subsection (2) or subsection (3) of this section or where an application for an adoption order made by any person pur-

suant to the said subsection (3) is refused by the court, that person shall, within seven days after the date on which the notice was given or the application refused, as the case may be, cause the infant to be returned to the society, and the society shall receive the infant accordingly:

Provided that it shall be sufficient compliance with the requirements of this subsection if the infant is delivered by the said person to, and is received by, a suitable person nominated for the purpose by the society.

(5) Any person who contravenes the provisions of this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both; and the court by which the offender is convicted may order any infant in respect of whom the offence is committed to be returned to his parents or guardian or to the registered adoption society.

PART III

SUPERVISION BY WELFARE AUTHORITIES

Application of Part III.

28.—(1) Subject to the provisions of the next following section, this Part of this Act shall have effect where—

(*a*) arrangements are made for the placing of an infant who is below the upper limit of the compulsory school age in the care and possession of a person who is resident in Great Britain and is not the parent or guardian or a relative of the infant; and

(*b*) any person, not being the parent or guardian of the infant or the person in whose care and possession he is to be placed, participates in the making of the arrangements.

(2) For the purposes of this Part of this Act, a person shall be deemed to participate in the making of arrangements for the placing of an infant in the care and possession of another person—

(*a*) if he enters into or makes any agreement or arrangement for, or for facilitating, the placing of the infant in the care and possession of that other person; or

(*b*) if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangements therefor,

or if he causes another to do so.

PART III —*cont.*

(3) Notwithstanding anything in the next following section, this Part of this Act (except section thirty-one) shall have effect where notice of intention to apply for an adoption order in respect of an infant who is below the upper limit of the compulsory school age is given pursuant to subsection (6) of section two of this Act.

(4) The person in whose care and possession an infant is or is to be placed in pursuance of such arrangements as aforesaid, or by whom such a notice as aforesaid is given in respect of an infant, is in this Part of this Act referred to as the custodian of the infant.

Exemptions from Part III.

29.—(1) This Part of this Act shall not have effect by virtue of subsection (1) of the last foregoing section where the person participating in the arrangements is a registered adoption society or a local authority, and shall not have effect as aforesaid in relation to any arrangements in which the Minister of Pensions participates or in relation to arrangements for the boarding out of a child within the meaning of the Children Act, 1948, by a voluntary organisation within the meaning of that Act.

(2) This Part of this Act shall not have effect by virtue of subsection (1) of the last foregoing section where possession of an infant is or is proposed to be taken—

(*a*) by any person for a temporary purpose only ; or

(*b*) by a registered adoption society ; or

(*c*) by a person who has undertaken the nursing and maintenance of the infant under Part VII of the Public Health Act, 1936, Part XIII of the Public Health (London) Act, 1936, or Part I of the Children and Young Persons (Scotland) Act, 1937, or a person who undertakes the nursing and maintenance of children boarded out by a local authority under Part II of the Children Act, 1948 ; or

(*d*) by a school, hospital, convalescent home, voluntary home within the meaning of the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, or other similar institution ; or

(*e*) by an institution, house or home certified or approved by the Minister of Health under the Mental Deficiency Acts, 1913 to 1938, or by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913, being an institution, house or home in which no children below the upper limit of the compulsory school age who are not mental defectives within the meaning of those Acts are received.

PART III —*cont.*

(3) This Part of this Act shall not have effect by virtue of subsection (1) of the last foregoing section in relation to an infant who is a mental defective under care elsewhere than in a certified institution, certified house or approved home—

(*a*) if he is so under care with the consent of the Board of Control under the Mental Deficiency Acts, 1913 to 1938, or with the consent of the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913; or

(*b*) if notice in respect of him has been given to the Board of Control in accordance with subsection (2) of section fifty-one of the Mental Deficiency Act, 1913, or to the General Board of Control for Scotland in accordance with Regulation one hundred and forty-eight of the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations, 1914.

(4) This Part of this Act shall not have effect by virtue of subsection (1) of the last foregoing section in relation to a child within the meaning of the Children Act, 1948, on whom a requirement as to residence is imposed by a supervision order or probation order.

Duration of application of Part III.

30. Where this Part of this Act has taken effect in relation to an infant, it shall cease to have effect—

(*a*) if an adoption order or an interim order is made in respect of him, upon the making of that order;

(*b*) if no such order has been made, on the date on which he attains the age of eighteen or ceases to live apart from his parents with the person with whom he was living when he ceased to be of compulsory school age, whichever first occurs.

Notification of taking possession of infant.

31.—(1) Not less than seven days before possession is taken of an infant pursuant to any arrangements by virtue of which this Part of this Act has effect in relation to the infant, any person who participates in the arrangements, not being the parent or guardian of the infant or the custodian of the infant, shall give notice in writing of the arrangements to the welfare authority for the area in which the custodian resides.

(2) The notice required by this section shall state the name and sex of the infant, the date and place of the infant's birth, and the name and address of the custodian of the infant.

Notification of change of residence, etc.

32.—(1) Where the custodian of an infant in relation to whom this Part of this Act has effect changes his residence while the infant is in his care and possession, he shall give to the welfare authority notice of the change at least seven days before doing so.

PART III —*cont.*

(2) Where the residence to which the custodian of the infant moves is situated in the area of another welfare authority, he shall, at least seven days before moving there, give to that welfare authority the like notice as is required by the last foregoing section.

(3) Where an immediate change of residence is necessitated by any emergency, the foregoing provisions of this section shall be deemed to have been complied with if any notice required thereunder is given at any time within forty-eight hours after the change of residence.

(4) If an infant in relation to whom this Part of this Act has effect dies while in the care and possession of his custodian—

(*a*) the custodian shall, within twenty-four hours of the death, give notice in writing of the death to the welfare authority and to the coroner of the district in which the body of the infant lies; and

(*b*) the coroner shall hold an inquest thereon unless there is produced to him a certificate of a registered medical practitioner certifying that that practitioner has personally attended the infant during his last illness and certifying also the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

(5) In the application of subsection (4) of this section to Scotland, for references to the coroner and to an inquest there shall be substituted references to the procurator-fiscal and to an inquiry by him into the cause of death.

Summary orders for removal of infants subject to Part III.

33.—(1) If an infant in relation to whom this Part of this Act has effect—

(*a*) is about to be received or is being kept by any person in any premises which are overcrowded, insanitary or dangerous, or in an environment which is detrimental to the infant; or

(*b*) is in the care and possession of a custodian who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of the infant,

a court of summary jurisdiction may, on the application of the welfare authority, make an order for the removal of the infant to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(2) Upon proof that there is imminent danger to the health or well-being of the infant concerned, a justice of the peace (acting, if he deems it necessary, ex parte) may exercise the like power on the application of a child protection visitor.

(3) An order made under this section may be enforced by a child protection visitor; and any person who refuses to comply

with such an order upon its being produced, or who obstructs any such visitor in the enforcement of the order, shall be guilty of an offence. PART III —*cont.*

(4) Any jurisdiction conferred on a justice of the peace by this section shall in Scotland be exercisable also by the sheriff.

Functions of child protection visitors.

34.—(1) It shall be the duty of child protection visitors of welfare authorities to visit and examine infants in relation to whom this Part of this Act has effect who are in the care and possession of custodians residing in the areas of those authorities, and the premises in which those infants are being kept.

(2) If any such visitor is refused admission to any premises in which he has reason to believe that an infant in relation to whom this Part of this Act has effect is being kept, he may apply to a justice of the peace; and the justice, if satisfied on sworn information in writing that admission has been refused and that there is reasonable ground for believing that such an infant is being kept on the premises, may grant a warrant authorising the visitor to enter the premises.

(3) Any person who refuses to allow a child protection visitor to make a visit or examination in accordance with subsection (1) of this section, or who obstructs any such visitor acting in pursuance of a warrant granted under subsection (2) of this section, shall be guilty of an offence.

(4) Any jurisdiction conferred on a justice of the peace by this section shall in Scotland be exercisable also by the sheriff.

Offences under Part III.

35. Any person who fails to comply with any of the requirements of this Part of this Act, or who commits any other offence thereunder, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both; and the court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

Modification for London.

36. In the administrative county of London, the functions conferred by this Part of this Act on welfare authorities and on child protection visitors shall be performed respectively by the London County Council and by such persons as may be appointed by that Council to perform the functions of child protection visitors for the purposes of this Part of this Act.

PART IV

MISCELLANEOUS AND GENERAL

Prohibition of certain payments.

37.—(1) It shall not be lawful for an adopter, or for a parent or guardian of an infant, to receive, except with the sanction of the court, any payment or other reward in consideration of the adoption of the infant under this Act, or for any person to make or give or agree to make or give to an adopter, parent or

PART IV —*cont.*

guardian any payment or reward the receipt of which is prohibited by this subsection.

(2) Any person who, in connection with arrangements by virtue of which Part III of this Act has effect in relation to an infant, gives or receives, or agrees to give or receive, any remuneration or reward whatsoever shall be guilty of an offence under Part III of this Act.

(3) Subject to the provisions of the next following subsection, any person (not being a local authority) who makes arrangements for the adoption of an infant and receives or makes, or agrees to receive or make, any payment or reward whatsoever in connection with the making of the arrangements shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both.

(4) The provisions of subsection (3) of this section shall not apply—

(*a*) to any payments the making or receipt of which is sanctioned by the court to which an application for an adoption order in respect of an infant is made;

(*b*) to any payments the making or receipt of which is authorised by a licensing authority under subsection (3) of section forty of this Act;

(*c*) to any payments made by or on behalf of a registered adoption society in respect of the maintenance of an infant who has been placed at the disposition of the society;

(*d*) to any payments made to a registered adoption society by the parent or guardian of an infant or by any other person in respect of the maintenance of the infant so long as the infant is not in the care and possession of a person who has adopted or proposes to adopt him, whether under an adoption order or otherwise, being payments made weekly and at a rate not exceeding such rate as may be prescribed.

Restriction upon advertisements.

38.—(1) It shall not be lawful for any advertisement to be published indicating—

(*a*) that the parent or guardian of an infant desires to cause the infant to be adopted; or

(*b*) that a person desires to adopt an infant; or

(*c*) that any person (not being a registered adoption society or a local authority) is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

PART IV —*cont.*

Restriction on sending infants abroad for adoption.

39.—(1) It shall not be lawful for any person, in connection with any arrangements made for the adoption of an infant who is a British subject, to permit, or to cause or procure, the care and possession of the infant to be transferred to a person who is not a British subject or the guardian or a relative of the infant and who is resident abroad.

(2) It shall not be lawful for any person, in connection with any such arrangements as aforesaid, to permit, or to cause or procure, the care and possession of such an infant as aforesaid to be transferred to a person who is a British subject resident abroad and who is not the guardian or a relative of the infant, unless a licence has been granted in respect of the infant under the next following section.

(3) Any person who contravenes the provisions of this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both.

(4) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

Licence to send infant abroad for adoption.

40.—(1) A licensing authority within the meaning of this section may grant a licence in the prescribed form, and subject to such conditions and restrictions as the licensing authority thinks fit, authorising the care and possession of an infant for whose adoption arrangements have been made to be transferrred to a British subject resident abroad ; but subject to the provisions of this section no such licence shall be granted unless the authority—

(*a*) is satisfied that the application is made by or with the consent of every person or body who is a parent or guardian of the infant in question, or who has the actual custody of the infant, or who is liable to contribute to the support of the infant ; and

(*b*) is satisfied by a report of a British consular officer or any other person who appears to the authority to be trustworthy that the person to whom the care and possession of the infant is proposed to be transferred is a suitable person to be entrusted therewith, and that the transfer is likely to be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant.

PART IV —*cont.*

(2) The licensing authority may dispense with any consent required by paragraph (*a*) of the foregoing subsection if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the infant or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the infant, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the authority and in all the circumstances of the case, to be dispensed with.

(3) Where a licensing authority grants a licence under this section, the authority may authorise the making or receipt by any person of any payments in consideration of the transfer of the care and possession of the infant in respect of whom the licence is granted.

(4) The Lord Chancellor may make rules with respect to the application for and grant of licences under this section in England; and provision may be made by act of sederunt in respect to the like matters in Scotland.

(5) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(6) For the purposes of this section, the licensing authorities in England shall be—

(*a*) the chief magistrate of the metropolitan police courts; or

(*b*) any magistrate of the metropolitan police court in Bow Street; or

(*c*) any magistrate of the metropolitan police courts appointed by the Secretary of State to exercise jurisdiction under this section,

and the powers conferred by this section on a licensing authority shall in every case be exercisable by any such magistrate as aforesaid.

(7) For the purposes of this section, the licensing authority in Scotland shall be the sheriff within whose jurisdiction the infant in respect of whom the application for a licence is made resides.

Offences under Parts II, III and IV.

41.—(1) Where any offence under Part II, Part III or Part IV of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be

PART IV —*cont.*

attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Proceedings for an offence under Part II, Part III or Part IV of this Act may, in England, be taken by a local authority.

Service of notices.

42. Any notice under this Act may be served by post.

Functions of local authorities.

43.—(1) Every local authority within the meaning of this Act have power, in connection with their functions under any enactment relating to children, to make and participate in arrangements for the adoption of children.

(2) Where any such local authority have established a children's committee, subsections (2) and (3) of section thirty-nine of the Children Act, 1948 (which provide for the discharge by local authorities of certain of their functions through children's committees), shall apply in relation to any exercise of the power mentioned in the last foregoing subsection as they apply in relation to the discharge of the functions specified in subsection (1) of the said section thirty-nine.

Rules and regulations.

44.—(1) Any power to make rules or regulations conferred by this Act on the Lord Chancellor or the Secretary of State or the Court of Session shall be exercisable by statutory instrument.

(2) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt made for the purposes of this Act as if the act of sederunt had been made by a Minister of the Crown.

Interpretation.

45.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"abroad" means outside Great Britain;

"adoption order" has the meaning assigned to it by section one of this Act;

"adoption society" means a body of persons whose functions consist of or include the making of arrangements for the adoption of children;

"body of persons" means any body of persons, whether incorporated or unincorporated;

"charitable association" means a body of persons which exists only for the purpose of promoting a charitable, benevolent or philanthropic object, whether or not the object is charitable within the meaning of any rule of

PART IV —*cont.*

law, and which applies the whole of its profits (if any) or other income in promoting the object for which it exists;

"child protection visitor" means a person appointed by a welfare authority to be a child protection visitor for the purposes of section two hundred and nine of the Public Health Act, 1936, or section two of the Children and Young Persons (Scotland) Act, 1937, and includes any person appointed under those sections to exercise the powers of a child protection visitor;

"compulsory school age" in relation to England has the same meaning as in the Education Act, 1944, and in relation to Scotland means school age as defined in the Education (Scotland) Act, 1946;

"court" means a court having jurisdiction to make adoption orders under this Act;

"custodian" has the meaning assigned to it by subsection (4) of section twenty-eight of this Act;

"England" includes Wales;

"father", in relation to an illegitimate infant, means the natural father;

"guardian", in relation to an infant, means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts, 1886 and 1925, or by a court of competent jurisdiction to be the guardian of the infant;

"infant" means a person under twenty-one years of age, but does not include a person who is or has been married;

"interim order" means an order under section six of this Act;

"local authority" means in England the council of a county or county borough, and in Scotland the council of a county or a large burgh within the meaning of the Local Government (Scotland) Act, 1947; and for the purposes of this Act any small burgh within the meaning of that Act shall be included in the county in which it is situated;

"place of safety" in England has the same meaning as in Part VII of the Public Health Act, 1936, and in Scotland has the same meaning as in the Children and Young Persons (Scotland) Act, 1937;

"prescribed", in Part I of this Act, means prescribed by rules or an act of sederunt under section eight or section nine of this Act, and except in Part I of this Act, means prescribed by regulations made by the Secretary of State;

" registered adoption society " means an adoption society registered under Part II of this Act;

" Registrar General for Scotland " means the Registrar General of Births, Deaths and Marriages in Scotland;

" relative ", in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the half-blood or by affinity, and includes—

(*a*) where an adoption order has been made in respect of the infant or any other person under this Act or under the Adoption of Children Act, 1926, the Adoption of Children (Scotland) Act, 1930, or the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force, any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;

(*b*) where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father;

" welfare authority " means in England a welfare authority for the purposes of the provisions relating to child life protection of Part VII of the Public Health Act, 1936, and in Scotland a local authority for the purposes of Part I of the Children and Young Persons (Scotland) Act, 1937.

(2) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of an infant if, not being a parent or guardian of the infant, he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise, or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if he causes another to do so.

(3) This Act shall apply to citizens of the Republic of Ireland as it applies to British subjects, and references in this Act to British subjects shall be construed accordingly.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART IV —*cont.*

Repeals and transitional provisions.

46.—(1) The enactments mentioned in the first and second columns of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Without prejudice to the application of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the Fifth Schedule to this Act shall have effect in relation to the enactments repealed by this section.

(3) Any reference in any enactment to an adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or to an adopter within the meaning of those Acts, shall be construed as including a reference to an infant adopted under this Act, or to the person by whom an infant is so adopted, as the case may be.

Short title, extent and commencement.

47.—(1) This Act may be cited as the Adoption Act, 1950.

(2) This Act (except section sixteen, and except section forty-six so far as it relates to section eight of the Adoption of Children Act, 1949) shall not extend to Northern Ireland.

(3) This Act shall come into force on the first day of October, nineteen hundred and fifty.

SCHEDULES

FIRST SCHEDULE

Section 18.

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN ENGLAND

1	2	3	4	5	6	7	8
No. of entry	Date and country of birth of child	Name and surname of child	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of court by which made	Date of entry	Signature of officer deputed by Registrar General to attest the entry

SECOND SCHEDULE

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN SCOTLAND

Section 20.

1	2	3	4	5	6
No. of Entry	Name and surname of adopted child	Date and country of birth	Sex	Name and surname, occupation and address of adopter or adopters	Date of adoption order and description of court by which made	Date of registration and signature of Registrar General

THIRD SCHEDULE

PURPOSES FOR WHICH ADOPTION SOCIETIES REGULATIONS MAY BE MADE

Section 25.

1. For regulating the conduct of negotiations entered into by or on behalf of registered adoption societies with persons who, having the care and possession of infants, are desirous of causing the infants to be adopted, and in particular for securing—

(*a*) that, where the parent or guardian of an infant proposes to place the infant at the disposition of the society with a view to the infant being adopted, he shall be furnished with a memorandum in the prescribed form explaining, in ordinary language, the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect of the infant, and calling attention to the provisions of this Act and of any rules made thereunder relating to the consent of a parent or guardian to the making of such an order, and to the provisions of this Act relating to the transfer of the care and possession of infants to persons resident abroad; and

(*b*) that, before so placing the infant at the disposition of the society, the parent or guardian shall sign a document in the prescribed form certifying that he has read and understood the said memorandum.

2. For requiring that the case of every infant proposed to be delivered by or on behalf of a registered adoption society into the care and possession of a person proposing to adopt him shall be considered by a committee (to be called a " case committee ") appointed by the society for the purpose and consisting of not less than three persons.

3. For prescribing, in the case of every such infant as aforesaid, the inquiries which must be made and the reports which must be obtained by the society in relation to the infant and the person proposing to adopt him for the purpose of ensuring, so far as may be, the suitability of the infant and the person proposing to adopt him respectively, and, in particular, for requiring that a report on the health of the infant signed by a duly qualified medical practitioner must be obtained by the society.

4. For securing that no such infant shall be delivered into the care and possession of a person proposing to adopt him by or on behalf of the society until that person has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Great Britain in which the person proposing to adopt the infant intends that the infant should reside permanently, and until the committee have considered the prescribed reports.

5. For requiring a registered adoption society to furnish to the registration authority by whom the society was registered the prescribed accounts and the prescribed information relating to the activities of the society.

6. For making provision for the care and supervision of infants who have been placed by their parents or guardians at the disposition of adoption societies.

FOURTH SCHEDULE

Section 46.

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of Repeal
16 & 17 Geo. 5. c. 29.	The Adoption of Children Act, 1926.	The whole Act except subsections (3) and (4) of section five and section ten.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	The whole Act except subsections (4) and (5) of section five and section ten.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Subsection (3) of section fifty.
2 & 3 Geo. 6. c. 27.	The Adoption of Children (Regulation) Act, 1939.	The whole Act.
3 & 4 Geo. 6. c. 2.	The Postponement of Enactments (Miscellaneous Provisions) Act, 1939.	Section two.
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	So much of the Tenth Schedule as amends the Adoption of Children (Regulation) Act, 1939.
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act, 1948.	Subsection (3) of section twenty-three.
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	Sections thirty-five and thirty-six so far as they relate to section seven of the Adoption of Children (Regulation) Act, 1939; subsection (4) of section thirty-seven; and so much of the Third Schedule as amends the Adoption of Children (Regulation) Act, 1939.
12, 13 & 14 Geo. 6. c. 98.	The Adoption of Children Act, 1949.	The whole Act except section thirteen; and in subsection (2) of section thirteen the words "subsection (2) of section sixteen of the Act of 1939".
12, 13 & 14 Geo. 6. c. 100.	The Law Reform (Miscellaneous Provisions) Act, 1949.	Subsection (3) of section seven.

FIFTH SCHEDULE

TRANSITIONAL PROVISIONS

Section 46.

1. Subsection (3) of section ten of this Act shall apply in relation to an adoption order made under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or made before the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, as if it were an adoption order within the meaning of that subsection:

Provided that nothing in this paragraph shall invalidate a marriage solemnised before the first day of January, nineteen hundred and fifty.

2. Section eleven of this Act shall apply in relation to an adoption order made under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, as if it were an adoption order within the meaning of this Act.

3. So much of subsection (2) of section twelve of this Act as provides for the cesser of an affiliation order, decree or agreement upon the marriage of a woman who has adopted an infant under an adoption order shall apply in relation to an adoption order made after the thirty-first day of December, nineteen hundred and forty-nine, under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or made after that date and before the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, as if it were an adoption order within the meaning of that section.

4. Sections thirteen to fifteen of this Act shall apply in relation to an adoption order made under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or made before the commencement of this Act under the Adoption of Children Act (Northern Ireland), 1929, as if it were an adoption order within the meaning of those sections respectively:

Provided that nothing in section thirteen of this Act shall affect the devolution of any property on the intestacy of a person who died before the first day of January, nineteen hundred and fifty, or any disposition made before that date.

5. Section sixteen of this Act shall apply to any person who, immediately before the commencement of this Act, was a citizen of the United Kingdom and Colonies by virtue of section eight of the Adoption of Children Act, 1949, as it applies to persons who become such citizens by virtue of an adoption order within the meaning of the said section sixteen.

6. Any register kept under any enactment repealed by this Act, and any index to such a register, shall be deemed to be part of the register or index kept under the corresponding enactment of this Act.

7. The provisions of this Act shall have effect in relation to an adoption society registered under the Adoption of Children (Regulation) Act, 1939, as if it were registered under Part II of this Act.

8. Part III of this Act shall, subject to the provisions thereof, have effect in relation to any infant in relation to whom section seven of the Adoption of Children (Regulation) Act, 1939, had effect immediately before the commencement of this Act.

5TH SCH. —*cont.*

9. Any order made under subsection (6) of section seven of the Adoption of Children (Regulation) Act, 1939, shall have effect and may be enforced as if it were an order made under subsection (1) of section thirty-three of this Act.

10. Subsection (1) of section thirty-seven of this Act shall apply in relation to the adoption of an infant under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, as it applies in relation to the adoption of an infant under this Act.

11. Any rules, regulations or act of sederunt made under any enactment repealed by this Act shall continue in force and have effect as if made under the corresponding enactment of this Act.

12. Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act shall be construed as a reference to the corresponding enactment of this Act.

13. Any proceedings pending at the commencement of this Act under any enactment repealed by this Act may be continued under the corresponding enactment of this Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Summary Jurisdiction Act, 1879	42 & 43 Vict. c. 49.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Mental Deficiency and Lunacy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 38.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
Adoption of Children Act, 1926	16 & 17 Geo. 5. c. 29.
Adoption of Children (Scotland) Act, 1930 ...	20 & 21 Geo. 5. c. 37.
Children and Young Persons Act, 1933	23 Geo. 5. c. 12.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 37.
Adoption of Children (Regulation) Act, 1939 ...	2 & 3 Geo. 6. c. 27.
Postponement of Enactments (Miscellaneous Provisions) Act, 1939	3 & 4 Geo. 6. c. 2.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Local Government (Scotland) Act, 1947... ...	10 & 11 Geo. 6. c. 43.
Industrial Assurance and Friendly Societies Act, 1948	11 & 12 Geo. 6. c. 39.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Adoption of Children Act, 1949	12, 13 & 14 Geo. 6. c. 98.
Law Reform (Miscellaneous Provisions) Act, 1949	12, 13 & 14 Geo. 6. c. 100.