1959 No. 773 (S. 35)

The Adoption Agencies (Scotland) Regulations, 1959

Made - - - - *25th April*, 1959

Coming into Operation *1st May*, 1959

In exercise of the powers conferred on me by section thirty-two of the Adoption Act, 1958(a), I hereby make the following Regulations :—

1.—(1) An application by or on behalf of an adoption society to a local authority to be registered under section thirty of the Adoption Act, 1958, shall be in the form set out in the First Schedule to these Regulations or in a form to the like effect, and shall give the information therein required to be given.

(2) The fee to be paid by an adoption society under the said section thirty in respect of its registration shall be twenty shillings.

2. If a registered adoption society changes the address of the administrative centre of the society, the society shall notify the local authority which has registered the society of the change.

3.—(1) Every registered adoption society shall, within twelve months of the date of registration and thereafter at least once in every period of twelve months, furnish to the local authority which has registered the society—

(*a*) the accounts of the society for that period duly certified by an independent auditor ;

(*b*) a return in the form set out in the Second Schedule to these Regulations or in a form to the like effect ; and

(*c*) a copy of the society's latest annual report.

(2) For the purposes of this Regulation " independent auditor " means a person who is—

(*a*) a chartered accountant or a member of an association or society of accountants incorporated before the date on which these Regulations come into operation ; and

(*b*) not a member, representative or officer of the society or of the society's case committee, or a relative of, or in partnership with, any such member, representative or officer.

4. Before an infant is placed at the disposition of a registered adoption society with a view to his being adopted, the society shall secure that the parent or guardian proposing so to place the infant is furnished with a memorandum in the form set out in the Third Schedule to these Regulations, and signs and returns to the society a certificate in the form set out in the said Third Schedule, or a form to the like effect, certifying that he has read and understood the said memorandum.

(a) 7 & 8 Eliz. 2. c. 5.

5. No infant shall be placed by or on behalf of a registered adoption society in the care and possession of a person proposing to adopt him until—

(*a*) the society have, so far as is reasonably practicable, ascertained the particulars set out in the Fourth Schedule to these Regulations;

(*b*) the society have obtained a report by a fully registered medical practitioner as to the health of the infant in the form set out in the Fifth Schedule to these Regulations, or in a form to the like effect;

(*c*) the person proposing to adopt the infant has been interviewed by or on behalf of the society's case committee;

(*d*) any premises in Great Britain in which that person intends that the infant shall reside permanently have been inspected by or on behalf of the society's case committee;

(*e*) the society's case committee have inquired of the local authority in whose area these premises are situated whether the authority have reason to believe that it would be detrimental to the infant to be kept by that person in those premises; and

(*f*) the society's case committee, after considering all the information obtained in pursuance of the foregoing paragraphs of this Regulation, have approved of the infant's being so placed.

6.—(1) Every registered adoption society shall make adequate arrangements for the supervision of every infant placed by or on behalf of the society in the care and possession of a person proposing to adopt him until that person gives notice under subsection (2) of section three of the Adoption Act, 1958, of his intention to apply for an adoption order in respect of the infant; and in particular shall arrange that every such infant is visited by a representative of the society within one month after being so placed and thereafter as often as the society's case committee deem necessary.

(2) The representative shall after each visit make a report to the case committee as to the welfare of the infant.

7. Any information obtained by any member, officer or representative of a registered adoption society, or of a society's case committee, in the course of negotiations entered into by or on behalf of the society with a person proposing to place an infant at the disposition of the society with a view to his being adopted or with a person proposing to adopt him shall be treated as confidential and shall not be disclosed except so far as may be necessary for the purpose of proceedings under the Adoption Act, 1958, or for the proper execution of his duty.

8. Every registered adoption society shall ensure that—

(*a*) none of their records or other documents relating to the negotiations mentioned in Regulation 7 of these Regulations are readily accessible to unauthorised persons; and

(*b*) the said records and other documents are, unless the Secretary of State otherwise directs, preserved for at least twenty-five years.

9. Regulations 4 to 8 of these Regulations shall apply to a local authority making or participating in arrangements for the adoption of infants as they apply to a registered adoption society, except that any reference therein to the case committee of a registered adoption society shall be construed as a reference to the local authority.

10.—(1) References in these Regulations to a registered adoption society's case committee means the committee of the society appointed for the purpose of considering the case of an infant proposed to be placed by or on behalf of the society in the care and possession of a person proposing to adopt him.

(2) A case committee shall, so far as practicable, include one man and one woman and shall consist of not less than three persons each of whom shall be competent to judge whether the proposed placing is likely to be in the interests of the infant.

11. References in these Regulations to an adoption order or to a person proposing to adopt an infant shall be construed as including references to a provisional adoption order or a person proposing to apply for such an order.

12. The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

13. The Adoption Societies (Scotland) Regulations, 1943(**b**) are hereby revoked.

14. These Regulations may be cited as the Adoption Agencies (Scotland) Regulations, 1959, and shall come into operation on the first day of May, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

25th April, 1959.

FIRST SCHEDULE

Regulation 1

APPLICATION FOR REGISTRATION OF ADOPTION SOCIETY

To the council. I/We the undersigned hereby apply to have the adoption society called registered under section thirty of the Adoption Act, 1958.

Particulars of the society:—

1. State date of establishment of society, and give particulars of any previous registration or application for registration.....

2. State full postal address of the society's administrative centre.....

3. Give addresses of any other offices of the society.....

4. Give particulars of any activities of the society, other than those relating to the adoption of children; and state whether the society applies the whole of its profits (if any) or other income in promoting the objects for which it exists; and attach a copy of the instrument governing the society's activities and a statement of the society's accounts.....

5. Give the full names, address and occupation of each member of the committee controlling the activities of the society; and state how the committee is appointed and how it controls the activities of the society; and attach a copy of the rules governing the constitution of the society.....

(**a**) 52 & 53 Vict. c. 63. (**b**) S.R. & O. 1943/540 (Rev. III, p. 884: 1943 I, p. 10).

6. Give the full names, address and occupation of each member of the society's case committee and his qualifications or experience for that purpose.....
.....

7. Give the full names, address and occupation of every individual employed or proposed to be employed by the society, whether paid or unpaid, for the purpose of making any arrangements for the adoption of infants and his qualifications or experience for that purpose.....

8. If 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 Part II of the Adoption Act, 1958, Part II of the Adoption Act, 1950, or the Adoption of Children (Regulation) Act, 1939, or of a breach of any regulations made under those enactments, give his name and particulars of his offence.....

I/We hereby declare that the above particulars are correct to the best of my/our knowledge and belief.

Signature .....
Address .....
.....
Position in society.....

SECOND SCHEDULE

Regulation 3 (1)

Annual Return

Return to the council from the registered adoption society called for the year ended

1. Give the full postal address of the society's administrative centre.....

2. State whether there has been any change in the objects for which the society exists and whether the society has applied the whole of its profits (if any) or other income in promoting the objects for which it exists.....

3. Give the full names, address and occupation, of each member of the committee controlling the activities of the society; and state whether there has been any change in the rules governing the constitution of the society.....

4. Give the full names, address and occupation, of each member of the society's case committee and his qualifications or experience for that purpose .....

5. Give the full names, address and occupation, of every individual employed by the society, whether paid or unpaid, for the purpose of making any arrangements for the adoption of infants and his qualifications or experience for that purpose.....

6. If 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 Part II of the Adoption Act, 1958, Part II of the Adoption Act, 1950, or the Adoption of Children (Regulation) Act, 1939, or of a breach of any regulations made under those enactments, give his name and particulars of his offence.....

7. Give the number of cases dealt with by the society under the following heads:—

(*a*) number of applications from persons wishing to adopt an infant.....

(*b*) number of infants offered to the society with a view to their being adopted, but not accepted by the society.....

(*c*) number of infants accepted by the society with a view to their being adopted .....

(*d*) number of infants placed by or on behalf of the society in the care and possession of persons proposing to adopt them.....

(*e*) number of infants so delivered in respect of whom adoption orders or provisional adoption orders had not been made.....

(*f*) number of adoption orders or provisional adoption orders made in respect of infants who were so placed during the period to which the return relates .....

(*g*) number of adoption orders or provisional adoption orders made in respect of infants who were so placed before the period to which the return relates .....

8. Give, under the following heads, the number of infants who, at the end of the period to which the return relates, had been placed at the disposition of the society with a view to their being adopted but had not been placed in the care and possession of persons proposing to adopt them:—

(*a*) number of infants in the care and possession of the society .....

(*b*) number of infants boarded out by the society .....

(*c*) number of other infants .....

9. Give the number of case committee meetings.

I/We hereby declare that the above particulars are correct to the best of my/our knowledge and belief.

Signature .....

Address .....

.....

Position in society .....

THIRD SCHEDULE

Regulation 4

Adoption of Children

Explanatory Memorandum

This memorandum is addressed to the parent (a term which does not include the natural father of an illegitimate child) or guardian of a child who is about to be legally adopted.

A person proposing to adopt your child has to apply to a court for an adoption order. Before making an order, the court will have inquiries made by a person called the curator ad litem to see whether it would be in the interests of the child that he should be adopted by the proposed adopters. The court will also require to know whether you (and any other parent or guardian of the child) consent. The court cannot make an adoption order without your consent unless it dispenses with your consent on the ground that you have abandoned, neglected or persistently ill-treated the child, or that you have persistently failed without reasonable cause to discharge your obligations as a parent or guardian, or on the ground that you have unreasonably withheld your consent. The court may also dispense with consent on the ground that a parent or guardian cannot be found, or is incapable of giving consent (for instance by reason of being insane).

You will be asked to sign a form of consent which can be shown to the court as evidence of your consent. This form will either give the names of the persons wishing to adopt the child or, if they wish to conceal their identity, will refer to them by a number. If you want to know what sort of people they are, you can ask the adoption society or local authority that is arranging the adoption.

Do not sign the form of consent unless you are quite sure that you are willing that your child should be adopted by these persons. If the court makes an adoption order, your rights as a parent or guardian will be transferred to the adopters and they will become in law the child's parents. You will then have no further right to see the child or to have the child returned to you. If the adopters live abroad, they will probably take the child abroad with them after obtaining an order.

If you do not know the names of the proposed adopters, but wish your child to be brought up in a particular religious faith, you may give your consent on condition that they propose to bring up your child in that faith.

If you sign the form of consent and then, before the adoption order is made, you wish to withdraw your consent, you should inform the court. But the proposed adopters are entitled to refuse to hand back your child to you unless you obtain the permission of the court.

You are not allowed to receive any money for giving your consent.

CERTIFICATE

To (name of adoption society or local authority),

I hereby certify that I have received from you a memorandum headed "Adoption of Children. Explanatory Memorandum", from which I have detached this certificate of acknowledgment; and I further certify that I have read the memorandum and understand it.

Signature .....

Address .....

.....

Date .....

FOURTH SCHEDULE

Regulation 5 (*a*)

PARTICULARS TO BE ASCERTAINED

PART I

Particulars relating to the infant

1. Name .....

2. Date and place of birth .....

3. If baptised, date and place of baptism and denomination .....

4. If not baptised, religious persuasion of the infant's father and mother .....

5. Name, address and age of the infant's father and mother. If either is dead, date of death .....

6. If either the father or mother has any other children, the age and sex of each child .....

7. Whether there is any history of tuberculosis, epilepsy, mental illness or other disease in either the father's or mother's family .....

8. Why the infant is offered for adoption and whether he has previously been so offered .....

9. Whether the mother consents to the infant's being adopted, and, if not, her reasons for not consenting .....

10. If the infant is legitimate, whether the father consents to the infant's being adopted, and, if not, his reasons for not consenting. If the infant is illegitimate, whether the father (if known) has any objection to the infant's being adopted .....

11. The names and addresses of the infant's guardians (if any), how and by whom they were appointed, and whether they consent to the infant's being adopted, and, if not, their reasons for not consenting .....

12. Whether any other body or person has the rights and powers of a parent of the infant and whether that body or person has any objection to the infant's being adopted .....

13. Whether the infant has any right to, or interest in, any property .....

14. Whether an insurance policy for the payment on the death of the infant of money for funeral expenses has been effected .....

PART II

Particulars relating to the proposed adopters

1. Names .....

2. Address .....

3. Dates of birth .....

4. Religious persuasion .....

5. Occupation .....

6. Whether the proposed adopters are ordinarily resident in Great Britain, and, if not, the address at which they are ordinarily resident .....

7. Whether the proposed adopters are domiciled in Scotland, England or Wales, and, if not, the country in which they are domiciled .....

8. If the proposed adopters intend to apply for a provisional adoption order, whether they intend to adopt the infant in law or in fact in the country in which they are domiciled

9. If there are two proposed adopters, the date and place of the proposed adopters' marriage, and whether either proposed adopter have previously been married and, if so, whether that marriage was dissolved or annulled .....

10. If there is only one proposed adopter, whether that person is married, and, if so, why the spouse does not join in the application, and whether he consents to the infant's being adopted, and, if not, his reasons for not consenting .....

11. Particulars of all members of the proposed adopter's household and their relationship (if any) to the proposed adopters. If any child of the adopters is not living at home, give particulars of the circumstances in which he is living apart from his parents. .....

12. The accommodation in the proposed adopters' home and the condition of the home .....

13. The means of the proposed adopters .....

14. The wishes of the proposed adopters as to the age and sex of the child they wish to adopt .....

15. The name and address of two persons selected by the proposed adopters to whom reference can be made as to their character .....

16. Whether either of the proposed adopters has previously—

(*a*) notified a local authority of his intention to adopt an infant .....

(*b*) applied to an adoption society or local authority with a view to adopting an infant .....

(*c*) had in his care and possession a foster child within the meaning of section 2 of the Children Act, 1958, who has been removed under section 7 of that Act .....

(*d*) been prohibited from keeping a foster child under section 4 of that Act .....

(*e*) had in his care and possession a protected child who has been removed under section 43 of the Adoption Act, 1958 .....

(*f*) been prohibited from keeping a protected child .....

FIFTH SCHEDULE

Regulation 5 (*b*)

MEDICAL REPORT AS TO HEALTH OF INFANT

Child's name ..... Date of birth ..... Sex .....

Weight ..... Height .....

A General condition .....

Skin .....

Eyes (including vision) .....

Ears (including hearing) .....
Nose and throat .....
Speech .....
Cardio-vascular system .....
Respiratory system .....
Alimentary system .....
Genito-urinary system (including examination of urine for albumen, sugar and phenylpyruvic acid) .....
Skeletal and articular system (including examination for congenital dislocation of hip) .....
Nervous system (including fits) .....
Lymphatic system .....
Any other comments .....
Is the child physically normal having regard to his age? .....

B Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his age? .....

C Particulars of any illnesses from which the child has suffered .....

D If known,

Weight at birth (if child is under one year of age) .....
Details of birth, including result of mother's serological tests for syphilis .....

Particulars, with dates, of vaccination or immunization against—

Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine) .....
Smallpox .....
Diphtheria .....
Whooping cough .....
Poliomyelitis .....
Tetanus (active) .....
Any other disease .....

E. Result of suitable serological test of the child's blood for syphilis taken six weeks or later after birth (please specify test) .....

F. I examined the child on the ..... day of ....., 19.....

Signature ..... Address .....
.....
.....

Qualifications .....

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and, so far as they relate to adoption societies, replace with minor amendments the Adoption Societies (Scotland) Regulations, 1943, which did not apply to local authorities. Regulations 4 to 8 of these Regulations are, by Regulation 9, applied to local authorities who make or participate in arrangements for the adoption of children. Regulations 7 and 8 (which relate to the confidentiality of information and records, and to the preservation of records) are new.