STATUTORY INSTRUMENTS

1978 No. 1518 (L. 34)

CHILDREN AND YOUNG PERSONS

The Adoption (County Court) (Amendment) Rules 1978

Made - - -	*20th October* 1978
Laid before Parliament	*30th October* 1978
Coming into Operation	*20th November* 1978

The Lord Chancellor, in exercise of the powers conferred on him by section 9(3) of the Adoption Act 1958(**a**), as amended by paragraph 22 of Schedule 3 to the Children Act 1975(**b**), and all other powers enabling him in that behalf, hereby makes the following Rules:—

1. These Rules may be cited as the Adoption (County Court) (Amendment) Rules 1978 and shall come into operation on 20th November 1978.

2. The Interpretation Act 1889(**c**) shall apply to these Rules as it applies to the interpretation of an Act of Parliament.

3. In these Rules, "the principal Rules" means the Adoption (County Court) Rules 1976(**d**).

4. The principal Rules shall be amended—

(*a*) in rule 21(1)(*b*)(i), by substituting for "section 34" the words "section 34(1)";

(*b*) in rule 21, by the omission of paragraph (8);

(*c*) in rule 22, by the omission of paragraph (4);

(*d*) in rule 24(3), by inserting "an" after the words "shall serve notice of";

(*e*) in rule 30(2), by substituting for the words "and relating to" the words "or relating to".

5. Form 1 in Schedule 1 to the principal Rules shall be amended—

(*a*) in paragraph 12, by adding at the end "**(17A)**" and by the addition after note **(17)** of the following:—

"**(17A)** Where the child is in the care of a local authority or voluntary organisation, this entry may be modified so as to state that the body has the child in its care under section 1 of the Children Act 1948 (or,

(**a**) 1958 c. 5 (7 & 8 Eliz. 2).
(**b**) 1975 c. 72.
(**c**) 1889 c. 63.
(**d**) S.I. 1976/1644.

where appropriate, under or within the meaning of any other enactment). In the case of a voluntary organisation, care is defined by section 88 of the Act of 1975.";

(*b*) in note **(26)** to paragraph 21, by the substitution for "1975" of "1958".

6. Form 7 in Schedule 1 to the principal Rules shall be amended—

(*a*) in paragraph 15, by omitting the words "[*As in Form* 1]" and substituting the following—

"The child was received into my/our actual custody on the ..... day of ..... 19....., and has been continuously in my/our actual custody since that date (*or as appropriate*) **(19)**.";

(*b*) by adding note **(19)** to paragraph 15 as follows:—

"Under section 3(1) of the Act of 1958, as modified by section 53(5), a provisional adoption order cannot be made unless the child has been continuously in the actual custody of the applicant during the six months before the order is made.".

Elwyn-Jones, C.

Dated 20th October 1978.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Adoption (County Court) Rules 1976 by revoking the provisions requiring certain types of adoption proceedings to be heard in chambers. These provisions are superseded by section 73 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22), which amends section 21 of the Children Act 1975 so as to require all county court adoption proceedings to be heard and determined in camera.

These Rules also correct several minor errors and clarify two minor points in the explanatory notes which accompany the prescribed forms.

SI 1978/1518
ISBN 0-11-084518-8

