1959 No. 480 (L. 4)

The Adoption (County Court) Rules, 1959

Made - - - - 19*th March*, 1959
Coming into Operation 1*st April*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 9 of the Adoption Act, 1958(a), hereby make the following rules for carrying that Act into effect so far as it confers jurisdiction upon county courts :—

Commencement of proceedings

1.—(1) An application to a county court for an adoption order shall be made by filing in the office of the appropriate court an originating application in Form 1.

(2) The proposed adopter shall be the applicant and the persons mentioned in Rule 10 shall be the respondents.

(3) Save as provided in Rule 8 no person shall be served with a copy of the application.

(4) The notice to be served on every respondent shall be in Form 2 and a copy shall be served on the guardian *ad litem*.

(5) A note of service or non-service shall be indorsed on a copy of Form 2.

2. If any person proposing to apply to a county court for an adoption order desires that his identity be kept confidential, he may, before filing an originating application, apply to the registrar for a serial number to be assigned to him for the purposes of the proposed application, and the registrar shall assign a number to him accordingly.

3. Except where the applicant or one of the applicants is the mother or father of the infant or the infant has reached the upper limit of the compulsory school age, every applicant for an adoption order shall file with his application a certificate of a fully registered medical practitioner as to his health ; and, if the applicant so desires, Form 3 may be used for the purposes of such certificate.

4.—(1) Any report on the health of the infant which is to be used for the purposes of an application for an adoption order shall be filed with the application.

(2) The report may, if the applicant so desires, be in Form 4.

5.—(1) Any document signifying the consent of any person to the making of an adoption order for the purposes of section 6 of the Act shall be in Form 5 and, if executed before the commencement of the proceedings, shall be filed with the originating application.

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

(2) If the document is executed outside the United Kingdom, it shall be sufficiently attested for the purposes of subsection (3) of the said section 6 if it is attested by any of the following persons:—

(*a*) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;

(*b*) a British consular officer;

(*c*) a notary public; or

(*d*) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

6. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant to the High Court, a county court or a magistrates' court and that that court, after having heard the case, dismissed the application on its merits, the registrar shall bring the matter to the attention of the judge and shall not proceed with the application unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application.

7. If owing to special circumstances any application appears to the judge to be more fit to be dealt with by the High Court, he may, at any stage of the proceedings, refuse, on that ground expressly, to proceed with the application.

Appointment and functions of guardian ad litem

8.—(1) Subject to the provisions of Rules 6 and 7, the registrar shall, as soon as practicable after the making of an application for an adoption order, appoint a guardian *ad litem* of the infant and serve on him a copy of the originating application together with the documents attached thereto.

(2) The person to be appointed guardian *ad litem* shall be—

(*a*) if the local authority concerned consents, the children's officer of a local authority or an officer or servant of that authority who assists the children's officer in the exercise of his functions;

(*b*) a probation officer, or

(*c*) if in any particular case the registrar considers that it is not reasonably practicable or that it would be undesirable to appoint one of the aforesaid persons, some other person who appears to the registrar to be suitably qualified:

Provided that no person shall be appointed guardian *ad litem* if—

(i) he has the rights and powers of a parent of the infant or has taken part in the arrangements for the adoption of the infant; or

(ii) he is a member, officer or servant of a local authority, adoption society or other body of persons which has the rights and powers of a parent of the infant or which has taken part in the arrangements for the adoption of the infant.

(3) Where the children's officer of a local authority is appointed guardian *ad litem*, he may carry out his duties and appear before the court personally or by any other officer or servant of that authority who assists the children's officer in the exercise of his functions.

9.—(1) With a view to safeguarding the interests of the infant before the court the guardian *ad litem* shall, so far as is reasonably practicable—

(*a*) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the originating application and those specified in the Second Schedule to these Rules; and

(*b*) perform such other duties as are specified in the said Schedule or as the court may direct.

(2) On completing his investigations the guardian *ad litem* shall make a confidential report in writing to the court.

(3) With a view to obtaining the directions of the court on any particular matter, the guardian *ad litem* may at any time make such interim report to the court as appears to him to be necessary.

10. At the time of appointing the guardian *ad litem*, the registrar shall fix a time for the hearing of the application and shall serve a notice in Form 2 on the following persons:—

(*a*) every person, not being an applicant, whose consent to the making of the order is required under section 4 (1) of the Act;

(*b*) any person having the rights and powers of a parent of the infant by virtue of section 75 of the Children and Young Persons Act, 1933(a), or paragraph 12 (1) of the Fourth Schedule to that Act or section 3 of the Children Act, 1948(b);

(*c*) any person liable by virtue of any order or agreement to contribute to the maintenance of the infant;

(*d*) the local authority to whom the applicant has given notice of his intention to apply for an adoption order under section 3 (2) of the Act;

(*e*) any local authority or adoption society named in the application or in a form of consent as having taken part in the arrangements for the adoption of the infant;

(*f*) any other person, not being the infant, who in the opinion of the court ought to be served with notice of the hearing of the application;

and any person upon whom a notice is required to be served under this Rule shall be a respondent to the application.

11. Where the guardian *ad litem* reports to the court that in his opinion the infant is able to understand the nature of an adoption order, the registrar shall serve on the applicant a notice in Form 6.

Attendance of parties and hearing of application

12. The judge shall not make an adoption order or an interim order except after the personal attendance of the applicant before him:

Provided that where the application is made by two spouses jointly, the judge may dispense with the personal attendance of one of the applicants if the originating application is verified by an affidavit sworn by him in accordance with the provisions of section 84 of the County Courts Act, 1934(c) (or, if he is outside the United Kingdom, by a declaration made by him and attested by a person specified in Rule 5 (2) of these Rules).

(a) 23 & 24 Geo. 5. c. 12. (b) 11 & 12 Geo. 6. c. 43. (c) 24 & 25 Geo. 5. c. 53.

13. Where the applicant has been served with a notice in Form 6, the judge shall not make an adoption order or an interim order unless—

(*a*) the infant has attended personally before him or it appears to the judge that there are special circumstances making the infant's attendance unnecessary ; and

(*b*) the judge is satisfied that the infant has been informed of the nature of the order.

14. If a serial number has been assigned to the applicant under Rule 2 of these Rules, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any respondent who is not already aware of his identity, except with his consent.

15.—(1) Where the infant whom the applicant desires to adopt is identified in the originating application by reference to a birth certificate which is the same, or relates to the same entry in the Registers of Births, as a birth certificate exhibited to a form of consent, the infant whom the applicant desires to adopt shall be deemed, unless the contrary appears, to be identical with the infant to whom the form of consent refers.

(2) Where the infant has previously been adopted, the foregoing paragraph of this Rule shall have effect as if for the references to a birth certificate there were substituted references to a certified copy of an entry in the Adopted Children Register and as if for the reference to the Registers of Birth there were substituted a reference to that Register.

16. Every application for an adoption order shall be heard and determined in camera.

17.—(1) An applicant for a provisional adoption order shall provide evidence of the law of adoption in the country in which he is domiciled.

(2) An affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the government of that country in the United Kingdom, shall, if filed with the originating application, be admissible without any such notice as is required by Order XX, Rule 5, of the County Court Rules(**a**) having been given.

18. Any respondent being a local authority or other body may appear and be heard by any officer or servant of the authority or body duly authorised in that behalf.

19.—(1) Where the determination of an application is postponed and an interim order is made, the registrar shall, not less than one month before the expiration of the period specified in the order, if no time has previously been fixed, fix a time for the further hearing of the application.

(2) When the time for the further hearing of an application is fixed, the registrar shall serve a notice in Form 7 on the applicant and shall serve a notice in Form 8 on every respondent and a copy thereof on the guardian *ad litem*.

Form and transmission of orders

20.—(1) An adoption order shall be drawn up in Form 9, and within 7 days after the making of the order the registrar shall send a copy to the Registrar General and deliver or send an abridged copy in Form 10 to the applicant.

(**a**) S.R. & O. 1936/626 (1936 I, p. 282), as amended.

(2) The copy sent to the Registrar General shall be drawn up on paper 13 inches long by 8 inches wide, and shall have a margin to be left blank, not less than one inch wide, on the left side of the face of the paper and a similar margin on the right side of the reverse.

21. An interim order shall be drawn up in Form 11, and within 7 days after the making of the order the registrar shall deliver or send a copy to the applicant.

22.—(1) The registrar shall not supply a copy of an adoption order or of an interim order or an abridged copy of an adoption order except—

(*a*) in accordance with the provisions of the last two foregoing Rules ;

(*b*) at the request of the Registrar General or the applicant or one of the applicants, or

(*c*) on the application of any other person under an order of the judge.

(2) This Rule applies to an adoption order or an interim order made under the Adoption Act, 1950(**a**), or any enactment repealed by that Act, as it applies to an adoption order or interim order made under the Adoption Act, 1958.

23.—(1) Where an adoption order is made or refused or an interim order made, the registrar shall serve notice to that effect on all parties who were not present when the order was made or refused.

(2) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the applicant is his mother and she is a single woman, the registrar shall serve notice of the order on any court which appears to him to have made an affiliation order or a decree of affiliation and aliment which is still in force with respect to the infant.

Costs

24. On the determination of an application for an adoption order or on the making of an interim order, the judge may make such order as to costs as he thinks just, and in particular may order the applicant to pay—

(*a*) the out-of-pocket expenses incurred by the guardian *ad litem*,

(*b*) the expenses incurred by any respondent in attending the hearing,

or such part of those expenses as the judge thinks proper.

Amendment and revocation of adoption orders

25.—(1) An application under section 24 of the Act for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under section 26 of the Act for the revocation of an adoption order, may be made *ex parte* in the first instance, but the judge may require notice of the application to be served on such persons as he thinks fit.

(2) Where the application is granted, the registrar shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and of the adopted person as given in the Schedule to the adoption order and either stating the amendments to the adoption order made by the court or informing him of the revocation of the direction or adoption order as the case may be :

Provided that where an adoption order made under the Adoption of Children Act, 1926(**b**), is amended, the said notice shall specify in a form

(**a**) 14 Geo. 6. c. 26. (**b**) 16 & 17 Geo. 5. c. 29.

similar to the Schedule to Form 9 all the particulars to be entered in the Adopted Children Register.

Keeping of documents and information

26. All documents relating to proceedings under the Act, or any enactment repealed by the Act, shall, while they are in the custody of the court, be kept in a place of special security.

27. Any information obtained by any person in the course of, or relating to, proceedings under the Act shall be treated as confidential and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty.

Service of documents

28. Unless otherwise directed, any document under these Rules may be served—

(*a*) on a corporation or a body of persons, by delivering it at, or sending it by post to, the registered or principal office of the corporation or body;

(*b*) on any other person, by delivering it to him, or by sending it by post to him at his last known or usual place of abode.

Application of County Court Rules

29. Subject to these Rules, the County Court Rules shall apply to proceedings in a county court under the Act, so, however, that notwithstanding the provisions of Part II of Order V of those Rules, it shall not be necessary, unless the judge otherwise directs, to appoint a guardian *ad litem* for an infant respondent to an application for an adoption order.

Interpretation

30. In these Rules, unless the context otherwise requires—

"the Act" means the Adoption Act, 1958;

"adoption order" includes a provisional adoption order within the meaning of section 53 of the Act;

"the appropriate court" in relation to an application for an adoption order means the county court for the district in which the applicant or the infant resides, and "judge" and "registrar" mean the judge and registrar of that court;

"interim order" means an interim order made under section 8 of the Act; and

"regular armed forces of the Crown" means the Royal Navy, the regular forces as defined by section 225 of the Army Act, 1955(a), the regular air force as defined by section 223 of the Air Force Act, 1955(b), the Women's Royal Naval Service, Queen Alexandra's Royal Naval Nursing Service and Voluntary Aid Detachments serving with the Royal Navy.

31. In these Rules a form referred to by number means the form so numbered in the First Schedule to these Rules or a form to the like effect, and any such form may be used with such variations as the circumstances may require.

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

(a) 3 & 4 Eliz. 2. c. 18. (b) 3 & 4 Eliz. 2. c. 19. (c) 52 & 53 Vict. c. 63.

Revocation

33. The Adoption of Children (County Court) Rules, 1952(a), are hereby revoked.

34. Notwithstanding anything in these Rules, any application to a county court for an adoption order which is pending at the date of the commencement of these Rules may, so far as is consistent with the provisions of the Act, be proceeded with and determined in accordance with the Rules in force immediately before that date.

Citation and commencement

35. These Rules may be cited as the Adoption (County Court) Rules, 1959, and shall come into force on the first day of April, nineteen hundred and fifty-nine.

Dated the 19th day of March, 1959.

Kilmuir, C.

FIRST SCHEDULE

FORM NO. 1

Rule 1 (1)

ORIGINATING APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

In the ..... County Court
No.....

IN THE MATTER OF the Adoption Act, 1958

and

IN THE MATTER OF ..... [1] an infant.

[This Form must be filed in duplicate, but duplicates of the attached documents need not be filed. Every paragraph must be completed or deleted, as the case may be.]

I, the undersigned ..... /We the undersigned ....., being desirous of adopting [or obtaining a provisional adoption order in respect of] ..... [1], an infant, under the Adoption Act, 1958, hereby give the following particulars in support of my/our application.

PART I

Particulars of the applicant[s]

1. Name of [first] applicant in full .....
Address [2] .....
Occupation .....
Date of birth .....
Relationship (if any) to the infant .....

[2. Name of second applicant in full .....
Address [2] .....
Occupation .....
Date of birth .....
Relationship (if any) to the infant .....]

(a) S.I. 1952/1258 (1952 I, p. 492).

3. I am/We are resident and domiciled in England or Wales/Scotland

[*or* I am/We are domiciled in England or Wales/Scotland but not ordinarily resident in Great Britain]

[*or* I am/We are not domiciled in England or Wales or Scotland].

4. I am unmarried/a widow/widower/I am married to..... of ..... /We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.

[5. The consent of my husband/wife to the making of an adoption order/a provisional adoption order in pursuance of my application is attached [*or* I request the judge to dispense with the consent of my husband/wife on the ground that ..... [3]].] [4]

[6. A certificate as to my/our health, signed by a fully registered medical practitioner, is attached.] [5]

PART II

Particulars of the infant

7. The infant is of the ..... sex and is not and has not been married. He/She was born on the ..... day of ....., 19....., and is the person to whom the attached birth/adoption certificate [6] relates [or was born on or about the ..... day of ....., 19....., in .....] [7]

[8. A report on the health of the infant [8], made by a fully registered medical practitioner on the ..... day of ....., 19....., [9] is attached.]

9. The infant is the child/adopted child [10] of ..... [11] whose last known address was ..... [*or* deceased] and ..... [12] whose last known address was ..... [*or* deceased].

[10. The guardian[s] of the infant is/are ..... of ..... [and ..... of ....]] [13]

11. I/We attach a document/documents signifying the consent of the said ..... [14] to the making of an adoption order/a provisional adoption order in pursuance of my/our application.

[12. I/We request the judge to dispense with the consent of ..... on the ground that ..... [15].]

[13. The ..... Council [*or* .....] of ..... has/have the rights and powers of a parent of the infant.] [16]

[14. ..... of ..... is liable by virtue of an order made by the ..... court at ..... on the ..... day of ....., 19....., [*or* by an agreement dated the ..... day of ....., 19.....,] to contribute to the maintenance of the infant.] [17]

15. If an adoption order/a provisional adoption order is made in pursuance of this application, the infant is to be known by the following names:—

Surname .....

Other names .....

PART III

General

16. The infant was received into my/our care and possession on the ..... day of ....., 19....., and has been continuously in my/our care and possession since that date.

[17. I/We notified the ..... Council on the ..... day of ....., 19....., of my/our intention to apply for an adoption order/a provisional adoption order in respect of the infant.] [18]

18. I have not made/Neither of us has made a previous application for an adoption order/a provisional adoption order in respect of the infant [except an application No. ..... made to the ..... court at .... which was heard on the ..... day of ....., 19....., and was dealt with as follows .....] [19]

19. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of the adoption order/provisional adoption order [except as follows..... .....] [20]

20. As far as I/we know, no person or body has taken part in the arrangements for placing the infant in my/our care and possession [except ....] [21]

[21. For the purposes of this application reference may be made to .... of .....] [22]

[22. I/We desire that my/our identity should be kept confidential and the serial number of this application is .....] [23]

[23. I/We intend to adopt the infant under the law of or within..... ..... [24] and for that purpose I/we desire to remove the infant from Great Britain.] [25]

I/We accordingly apply for an adoption order/a provisional adoption order in respect of the infant.

Dated this ..... day of ....., 19.....

Signature(s).....

.....

Notes:

[1] Enter the first name[s] and surname as shown in any certificate referred to in entry No. 7; otherwise enter the first name[s] and surname by which the infant was known before being placed for adoption.

[2] Insert the applicant's present address and, where he is not ordinarily resident in Great Britain, the place abroad where he ordinarily resides.

[3] The consent of the applicant's spouse may be dispensed with if the court is satisfied that he or she cannot be found or is incapable of giving his or her consent or that the spouses have separated and are living apart and the separation is likely to be permanent.

[4] This entry should be deleted if the application is made jointly by husband and wife or the applicant is unmarried.

[5] A separate medical certificate is required in respect of each applicant. There is an official form (Form No. 3) which may be used for this purpose. No certificate, however, need be supplied if the applicant, or one of the applicants, is the father or mother of the infant or the infant has reached the upper limit of the compulsory school age.

[6] If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Registers of Births.

[7] Where a certificate is not attached, enter the place (including country) of birth, if known.

[8] As the court may require up-to-date information as to the health of the infant, a medical report should be attached unless the applicant, or one of the applicants, is a parent or relative of the infant or the infant has reached the upper limit of the compulsory school age. There is an official form (Form No. 4) which may be used for this purpose.

[9] If the infant is less than one year old on the date of the application, the report should have been made not more than one month before that date. If the infant is one year old or more on that date, the report should have been made not more than six months before that date.

[10] If the infant has previously been adopted, give the names of his adoptive parents and not those of his natural parents.

[11] Enter mother's name.

[12] Enter name of father, if known.

[13] Guardian 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 a guardian.

[14] Enter the names of the persons mentioned in entries Nos. 9 and 10 except, in the case of an illegitimate infant, his father.

[15] The consent of a parent or guardian may be dispensed with if the court is satisfied that the person whose consent is required has abandoned, neglected or persistently ill-treated the infant, or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian, or cannot be found, or is incapable of giving his consent or is withholding his consent unreasonably.

[16] This entry should be deleted except where some person or body has the rights and powers of a parent of the infant by virtue of section 75 of the Children and Young Persons Act, 1933, or paragraph 12 (1) of the Fourth Schedule to that Act, or section 3 of the Children Act, 1948.

[17] This entry should be deleted except where some person or body is liable to maintain the infant under a court order or agreement.

[18] Notice does not have to be given if the applicant or one of the applicants is a parent of the infant or if at the time of the hearing the infant will have reached the upper limit of the compulsory school age.

[19] The court cannot proceed with the application if a previous application made by the same applicant in respect of the same infant has been heard and dismissed on its merits, unless there has been a substantial change in the circumstances since the previous application.

[20] Any such payment or reward is illegal except payment to an adoption society or local authority in respect of their expenses incurred in connection with the adoption.

[21] Enter the name of any local authority, adoption society or individual who has taken part in the arrangements for placing the infant in the care and possession of the applicant with a view to his adoption.

[22] Where the applicant, or one of the applicants, is a parent of the infant or a relative as defined by section 57 (1) of the Adoption Act, 1958, no referee need be named.

[23] If the applicant wishes his identity to be kept confidential, the serial number obtained under Rule 2 of the Adoption (County Court) Rules, 1959, should be given ; otherwise this entry should be deleted.

[24] Where the application is for a provisional adoption order, insert the country in which the applicant is domiciled. The applicant must provide evidence of the law of adoption in that country. For this purpose an affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the Government of that country in the United Kingdom, will be admissible if filed with the application.

[25] This entry should be deleted except where the application is for a provisional adoption order.

FORM NO. 2

Rule 1 (4)

NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

[*General Title—Form* 1]

Seal

To.....of.....

Whereas an application for an adoption order/a provisional adoption order in respect of..... [1], an infant of the.....sex born on the.....day of....., 19..., has been made [by..... and.....] [2] *or* [under the serial number.....];

And whereas.....of..... has been appointed guardian *ad litem* of the said infant:

Take notice:

A. [3] [That the said application will be heard at the ..... County Court at.....on the.....day of....., 19..., at.....o'clock, and that you may then appear and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B. [3] [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to the court on or before the.....day of....., 19..., in order that a time may be fixed for your appearance.]

[And further take notice that while the said application is pending, a parent or guardian of the infant who has already signified his consent to the making of the adoption order must not, except with the leave of the judge, remove the infant from the care and possession of the applicant[s]. Application for such leave may be made personally to the judge.] [4]

It would assist the court if you would complete the attached form and return it to me.

Dated the ..... day of ....., 19.....

Registrar.

Notes:

[1] Enter the name[s] and surname of the infant as shown in the heading of Form No. 1.

[2] The name of the applicant must not be given where a serial number is specified in the originating application (entry No. 22) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.

[3] Paragraph A should be completed and paragraph B struck out where the notice is addressed to a local authority, an adoption society, any other body of persons or the spouse of the applicant, or where the applicant does not desire his identity to be kept confidential (see the originating application, entry No. 22). Where a serial number is specified in that entry and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

[4] Delete words in square brackets except where the notice is addressed to a parent or guardian of the infant.

..... Perforation .....

To the Registrar of the ..... County Court.

No. .....

I have received notice of the application for an adoption order/a provisional adoption order in respect of ..... an infant.

* Delete one or other alternative.

I *do/do not wish to oppose the application.

I *do/do not wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made.

.....

(Signature)

....

(Date) *(Address)*

FORM No. 3

Rule 3

MEDICAL CERTIFICATE AS TO HEALTH OF APPLICANT

I examined ..... on ..... and have formed the opinion that he is physically, mentally and emotionally suitable to adopt a child.

Signature ..... *Date*.....

Qualifications .....

Address .....

FORM No. 4

Rule 4

MEDICAL REPORT ON HEALTH OF INFANT

Note:

This form is for a medical report on a child who may be adopted. The report is for the benefit of the adopters and the court. In order that the adopters may benefit fully from the report, it is important that the certifying doctor should explain to the adopters the nature and extent of any disability or abnormality disclosed by the examination which might affect their decision whether or not to adopt the child.

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 ....., and I have informed the adopters of the state of health of the child disclosed by the examination.

Signature ..... *Date*.....

Qualifications .....

Address .....

Rule 5

FORM No. 5

CONSENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

[*General Title—Form* 1]

Whereas an application is to be/has been made by...../and ..... [*or* under the serial number] [2] for an adoption order/a provisional adoption order in respect of..... [1], an infant;

[And whereas the infant is the person to whom the birth certificate [3] now produced and shown to me marked "A" relates] [4]:

I, the undersigned.....of....., being [5] the mother [6]/father [7]/guardan [8] of the infant, hereby state as follows:—

1. I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent/guardian and to transfer them to the applicant[s] [*or* I understand that the effect of a provisional adoption order will be to enable the applicant[s] to remove the infant from Great Britain for the purpose of adopting him/her abroad and to give the applicant[s] custody of the infant pending his/her adoption]; and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the infant or to have him/her returned to me.

2. I further understand that the court cannot make an adoption order without the consent of each parent or guardian of the infant unless the court dispenses with a consent on the ground that the person concerned has abandoned, neglected or persistently ill-treated the infant, or cannot be found, or is incapable of giving consent, or is unreasonably withholding consent or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian.

3. I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the court that I no longer consent [9].

4. I hereby consent to the making of an adoption order/a provisional adoption order in pursuance of the application [on condition that the religious persuasion in which the infant is proposed to be brought up is .....] [10].

5. As far as I know, no other person or body has taken part in the arrangements for placing the infant in the care and possession of the applicant[s] [except .....of.....] [11].

.....

(*Signature*)

This form, duly completed, was signed by the said.....before me [12] at.....on the.....day of..... 19.....

Signature .....

Address .....

Description .....

Warning. It is an offence to receive or give any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of an adoption order, other than a payment to a local authority or adoption society for their expenses incurred in connection with the adoption.

Notes:

[1] Insert the name[s] and surname as known to the consenting party.

[2] Insert either the name of the applicant or the serial number assigned to the applicant for the purpose of the application.

[3] If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Registers of Births; and the description of the consenting party should include the words " by adoption " where appropriate.

[4] Delete the words in square brackets except where the consenting party is the mother or father of the infant and the birth certificate has not already been identified by the other parent.

[5] Delete all but one of the descriptions which follow.

[6] The mother's consent cannot be given before the infant is six weeks old.

[7] " Father " does not include the natural father of an illegitimate child.

[8] " Guardian " 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 guardian of the infant.

[9] Notice will be given of the making of the application and of the court by which it is to be heard. After the making of the application the consenting parent or guardian cannot remove the infant from the care and possession of the applicant except with the leave of the court.

[10] Delete the words in square brackets if the applicant is named or if, although the applicant is not named, the consenting party does not desire to impose a condition as to religious upbringing.

[11] Enter the name of any local authority, adoption society or person who is known to have arranged, or to have taken part in the arrangements, for the infant to be placed in the care and possession of the applicant.

[12] In England or Wales the document should be signed before a justice of the peace, a duly authorised county court officer or a justices' clerk and in Scotland before a justice of the peace or a sheriff. In Northern Ireland it should be signed before a justice of the peace. Outside the United Kingdom it should be signed before a person authorised to administer an oath for any judicial or legal purpose, a British consular officer, a notary public or, if the person signing it is serving in the armed forces, a commissioned officer.

Rule 11 FORM No. 6

NOTICE TO APPLICANT THAT THE INFANT'S PRESENCE IS REQUIRED AT THE HEARING

[*General Title—Form No.* 1] Seal

To ..... of .....

Whereas an application has been made by you for an adoption order/a provisional adoption order in respect of the above-named infant;

And whereas the said application will be heard at the ..... County Court at ..... on the .....day of ....., 19....., at ..... o'clock:

Take notice that no order can be made unless the infant is present at the hearing and the court is satisfied that he has been informed of the nature of the order.

Dated the ..... day of ....., 19.....

Registrar.

Rule 19 (2) FORM No. 7

NOTICE TO APPLICANT OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

[*General Title—Form No.* 1] Seal

To ..... of .....

Whereas an application has been made by you for an adoption order/a provisional adoption order in respect of the above-named infant;

And whereas the determination of the said application was postponed and an interim order was made by the judge on the ..... day of ....., 19.....:

Take notice that the said application will be further heard before the judge at ..... on the ..... day of ....., 19....., at ..... o'clock;

[And take notice that no order can be made unless the infant is present at the further hearing and the judge is satisfied that he has been informed of the nature of the order.] [1]

Dated the ..... day of ....., 19.....

Registrar.

Note:

[1] Delete except where the applicant has previously been served with a notice in Form No. 6 or where the judge otherwise directs.

Rule 19 (2) FORM No. 8

NOTICE TO RESPONDENT OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

[*General Title—Form No.* 1] Seal

To ..... of .....

Whereas an application for an adoption order/a provisional adoption order in respect of ..... [1], an infant of the ..... sex born on the ..... day of ....., 19 ....., was made [by ..... and .....] [2] *or* [under the serial number .....];

And whereas ..... of ..... was appointed guardian ad litem of the said infant;

And whereas the determination of the said application was postponed and an interim order made by the judge on the ..... day of ....., 19.....:

Take notice:

A[3] [That the said application will be further heard before the judge at ..... on the ..... day of ....., 19....., at ..... o'clock, and that you may then appear and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B[3] [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to the court on or before the ..... day of ....., 19....., in order that a time may be fixed for your appearance.]

It would assist the court if you would complete the attached form and return it to me.

Dated the ..... day of ....., 19.....

Registrar.

Notes:

[1] Enter the name[s] and surname of the infant as shown in the heading of Form No. 1.

[2] The name of the applicant[s] must not be given where a serial number is specified in the originating application (entry No. 22) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.

[3] Paragraph A should be completed and paragraph B struck out where the notice is addressed to a local authority, an adoption society, any other body of persons or the spouse of the applicant, or where the applicant does not desire his identity to be kept confidential (see the originating application, entry No. 22). Where a serial number is specified in that entry and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

..... Perforation .....

To the Registrar of the .....County Court.

No.....

I have received notice of the further hearing of the application for an adoption order/a provisional adoption order in respect of ....., an infant.

* Delete one or other alternative.

I *do/do not wish to oppose the application.

I *do/do not wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made.

.....
(*Signature*)

....
(*Date*) (*Address*)

FORM NO. 9

Rule 20 (1)

ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (I)

Seal

[*General Title—Form No.* 1]

Whereas an application has been made by ..... of ....., whose occupation is ....., [and ....., his wife] (hereinafter called the applicant[s]) for an adoption order/a provisional adoption order in respect of .....[1], an infant of the ..... sex, the child/adopted child of ..... [and .....];

And whereas the court is satisfied that the applicant is/applicants are qualified in accordance with the provisions of the Adoption Act, 1958, to be granted an adoption order/a provisional adoption order in respect of the infant and that all conditions precedent to the making of such an order have been fulfilled:

It is ordered that the applicant[s] be authorised to adopt the infant [*or* that the applicant[s] be authorised to remove the infant from Great Britain for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled and that the applicant[s] do have the custody of the infant pending his/her adoption as aforesaid];

[And the following payment or reward is sanctioned ..... ;]

[And as regards costs it is ordered that ..... ;]

[And whereas the precise date of the infant's birth has not been proved to the satisfaction of the court but the court has determined the probable date of his/her birth to be the ..... day of ....., 19..... ;]

[And whereas the country of birth of the infant has not been proved to the satisfaction of the court [but it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man] ;]

[And whereas the infant was born in England/Wales but the registration district and sub-district in which the birth took place have not been proved to the satisfaction of the court ;]

[And whereas it has been proved to the satisfaction of the court that the infant is identical with ..... to whom the entry numbered ..... made on the ..... day of ....., 19....., in the Registers of Births for the registration district of ..... and sub-district of ..... in the county of ..... relates [*or* with ..... to whom the entry numbered ..... and dated the ..... day of ....., 19....., in the Adopted Children Register relates] ;]

[And whereas the name or names and surname stated in the application as those by which the infant is to be known are ..... :]

It is directed that the Registrar General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this order;

[And it is further directed that the aforesaid entry in the Registers of Births/Adopted Children Register be marked with the word "Adopted"/"Re-adopted"/"Provisionally adopted"/"Provisionally re-adopted"] [2].

Dated this ..... day of ....., 19.....

Registrar.

SCHEDULE

Date [3] and country [4] of birth of child	Registration district and sub-district [5]	Name and surname of child [6]	Sex of child [7]	Name and surname, address [8] and occupation of adopter or adopters	Date of adoption order [9] and description of court by which made

Notes:

[1] Enter the name[s] and surname of the infant as shown in the heading of Form No. 1.

[2] This paragraph should be deleted where the infant is not proved to be identical with a child to whom an entry in the Registers of Births or Adopted Children Register relates.

[3] Where the precise data of the infant's birth is not proved, enter the date determined by the court to be the probable date.

[4] Where the country of the infant's birth is not proved, the particulars of the country of birth may be omitted unless it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter England or Wales, as the case may be, as the country of birth.

[5] Where the infant was born in England or Wales but the registration district and sub-district in which the birth took place are not proved, or where the infant is treated in accordance with Note [4] as born in England or Wales, enter the district and sub-district in which the court sits.

[6] Enter the name or names and surname stated in Form No. 1 as those by which the infant is to be known or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

[7] Enter "boy" or "girl", as the case may be.

[8] If the applicant is not ordinarily resident in Great Britain, enter the place abroad where he ordinarily resides.

[9] In the case of a provisional adoption order enter the words "Provisional adoption order" followed by the date of the order and the name of the court.

Rule 20 (1) FORM No. 10

ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (II)

Seal

[*General Title—Form No.* 1]

Whereas an application has been made by ..... of .... [and ....., his wife,] for an adoption order/a provisional adoption order in respect of .....[1], an infant:

It is ordered that the applicant[s] be authorised to adopt the infant [*or* that the applicant[s] be authorised to remove the infant from Great Britain for the purpose of adopting him/her under the law of or within the country in which the applicant is/the applicants are domiciled and that the applicant[s] do have the custody of the infant pending his/her adoption as aforesaid];

And it is directed that the Registrar General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this order.

Dated this ..... day of ....., 19.....

Registrar.

SCHEDULE [2]

Date and country of birth of child	Registration district and sub-district	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

Notes:

[1] Enter the name[s] and surname of the infant as shown in the heading of Form No. 1.

[2] Enter in the Schedule the particulars set out in the Schedule to Form No. 9.

Rule 21

FORM No. 11

INTERIM ORDER

Seal

[*General Title—Form No.* 1]

Whereas an application has been made by.....of..... .....[and....., his wife] (hereinafter called the applicant[s]) for an adoption order/a provisional adoption order in respect of.....[1], an infant;

And whereas the court is satisfied that the applicant is/the applicants are qualified in accordance with the provisions of the Adoption Act, 1958, to be granted an adoption order/a provisional adoption order in respect of the infant and that all conditions precedent to the making of such an order have been fulfilled:

It is ordered that the determination of the application be postponed and that the applicant[s] do have the custody of the infant until the.....day of....., 19..., by way of a probationary period [*or* that the determination of the application be postponed to the.....day of....., 19..., and that the applicant[s] do have the custody of the infant until that day by way of a probationary period] [upon the following terms, namely.....].

[And as regards costs it is ordered that.....].

[And it is ordered that the application be further heard before the judge at.....on the.....day of....., 19..., at.....o'clock.]

Dated this.....day of....., 19...

Registrar.

Note:

[1] Enter the name[s] and surname of the infant as shown in the heading to Form No. 1.

Rule 9

SECOND SCHEDULE

PARTICULAR DUTIES OF THE GUARDIAN AD LITEM

1. The guardian ad litem shall interview the applicant and shall ascertain—

(*a*) particulars of all members of the applicant's household and their relationship (if any) to the applicant;

(*b*) particulars of the accommodation in the applicant's home and the condition of the home;

(*c*) the means of the applicant;

(*d*) whether the applicant suffers or has suffered from any serious illness and whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;

(*e*) in the case of an application by one only of two spouses, why the other spouse does not join in the application;

(*f*) whether any person specified in the application as a person to whom reference may be made is a responsible person and whether he recommends the applicant with or without reservations;

(*g*) whether the applicant understands the nature of an adoption order and, in particular, that the order, if made, will render him responsible for the maintenance and upbringing of the infant.

2. The guardian ad litem shall ascertain and inform the applicant—

(*a*) whether the infant has been baptised and, if so, the date and place of baptism;

(*b*) what treatment the infant has received with a view to immunising him against disease;

(*c*) whether the infant has any right to, or interest in, any property;

(*d*) whether an insurance policy for the payment on the death of the infant of money for funeral expenses has been effected.

3.—(1) The guardian ad litem shall, as soon as is reasonably practicable, ascertain whether the infant is able to understand the nature of an adoption order.

(2) If, in the guardian's opinion, the infant is able to understand the nature of an adoption order, the guardian shall forthwith inform the court and ascertain whether the infant wishes to be adopted by the applicant.

4. The guardian ad litem shall interview either in person or by an agent appointed by him for the purpose every individual who is a respondent or who appears to him to have taken part in the arrangements for the adoption of the infant.

5.—(1) The guardian ad litem shall obtain from every respondent, not being an individual, such information concerning the infant as they have in their possession and which they consider might assist the court in deciding whether or not the infant should be adopted by the applicant.

(2) Where such information is given in the form of a written report, the guardian ad litem shall append it to his own report to the court.

6. The guardian ad litem shall ascertain when the mother of the infant ceased to have the care and possession of the infant and to whom the care and possession was transferred.

7. The guardian ad litem shall ascertain that every consent to the making of an adoption order in pursuance of the application is freely given and with full understanding of the nature and effect of an adoption order.

8. Where either parent of the infant is dead, the guardian ad litem shall forthwith inform the court if he learns of any relation of the deceased parent who wishes to be heard by the court on the question whether an adoption order should be made.

9. Where the infant is illegitimate but no one is liable as the putative father to contribute to the maintenance of the infant by virtue of any order or agreement, the guardian ad litem shall forthwith inform the court if he learns of any person, claiming to be the father, who wishes to be heard by the court on the question whether an adoption order should be made.

10. The guardian ad litem shall forthwith inform the court if he learns of any other person or body who wishes or ought in his opinion to be heard by the court on the question whether an adoption order should be made.

11. Where the applicant is not ordinarily resident in Great Britain, the guardian ad litem shall endeavour to obtain a report on the applicant's home and living conditions from a suitable agency in the country in which he is ordinarily resident.

EXPLANATORY NOTE

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

These Rules make provision for the procedure to be followed in proceedings in county courts under the Adoption Act, 1958. They revoke and replace the Adoption of Children (County Court) Rules, 1952. Most of the changes made are in consequence of the amendments to the Adoption Act, 1950, by the Children Act, 1958, but there are also a number of other changes. In particular, the persons who may be appointed guardian *ad litem* are now specified by Rule 8; Rule 19 modifies the procedure of fixing the time for the further hearing of an application for an adoption order after an interim order has been made; and Rule 20 provides that the adopter is to be supplied with an abridged copy of the adoption order.

1959 No. 479 (L. 3)

The Adoption (High Court) Rules, 1959

Made - - - -	*19th March,* 1959
Coming into Operation	*1st April,* 1959

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 9 of the Adoption Act, 1958(a), hereby make the following Rules for carrying that Act into effect so far as it confers jurisdiction on the High Court:—

Commencement of Proceedings

1. All proceedings in the High Court under the Act shall be assigned to the Chancery Division and shall be part of the business to be disposed of in chambers under Rule 2 of Order LV of the Rules of the Supreme Court, 1883.

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