STATUTORY INSTRUMENTS

1965 No. 2071 (L. 26)

CHILDREN AND YOUNG PERSONS

The Adoption (High Court) (Amendment) Rules 1965

Made - - - -	*7th December* 1965
Coming into Operation	
Rules 1 *and* 4 - -	1*st January* 1966
Remainder - -	1*st March* 1966

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 9 of the Adoption Act 1958(a), as amended by section 54 of the Children and Young Persons Act 1963(b), do hereby make the following Rules:—

1. In these Rules a Rule referred to by number means the Rule so numbered in the Adoption (High Court) Rules 1959(c) and a form referred to by number means the form so numbered in the First Schedule to those Rules.

2. In Rule 16 at the beginning of paragraph (*c*) there shall be inserted the words "unless otherwise directed".

3. Rule 22 shall be amended as follows:—

(1) In paragraph (1), the word "or" shall be omitted at the end of sub-paragraph (*b*) and inserted at the end of sub-paragraph (*c*), and after sub-paragraph (*c*) there shall be added the following sub-paragraph:—

"(*d*) at the request of a county court or juvenile court."

(2) In paragraph (2) for the words "This Rule" there shall be substituted the words "The foregoing paragraph".

(3) After paragraph (2) there shall be inserted the following paragraph:—

"(3) The High Court shall not request a county court or juvenile court to furnish a copy of an adoption order under any Adoption Rule corresponding to paragraph (1)(*d*) of this Rule except in the case of an infant born in England who had been adopted in England before 1st April 1959 and in respect of whom the registration district and sub-district in which he was born would not otherwise be proved to the satisfaction of the High Court for the purposes of section 21(3) of the Act."

4. In Rule 26 for the words "and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty" there shall be substituted the following words:—

"and shall be disclosed if, but only if,—

(*a*) the disclosure is necessary for the proper exercise of his duties, or

(a) 7 & 8 Eliz. 2. c. 5. (b) 1963 c. 37. (c) S.I. 1959/479 (1959 I, p. 631).

(*b*) the information is requested—

(i) by a court or public authority (whether within Great Britain or not) having power to authorise an adoption, for the purpose of the discharge of its duties in that behalf, or

(ii) by a person who is authorised in writing by or on behalf of the Secretary of State to obtain the information for the purposes of research."

5. After Rule 26 there shall be inserted the following Rule :—

Application for return of infant

" 26A.—(1) An application—

(*a*) under section 34 of the Act for leave to remove an infant from the care and possession of a person who has applied for an adoption order, or

(*b*) under subsection (2) of section 35 of the Act for leave to give notice under subsection (1)(*b*) of that section,

shall be made to the judge in chambers by summons.

(2) A copy of the summons shall be served on the guardian *ad litem* not less than 10 clear days before the day specified in the summons for the hearing thereof, and the guardian *ad litem* shall, not less than 7 clear days before the day so specified, serve a copy of the summons on every party to the application for the adoption order other than the person who took out the summons.

(3) Where leave is refused, the guardian *ad litem* shall serve notice of the refusal on all parties who were not present when the application for leave was determined.

(4) Where leave is granted, the judge may treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly."

6. In Form 1 for the words " Mr. Justice " there shall be substituted the word " Group ".

7. Form 6 shall be amended as follows :—

(1) In paragraph A for the words " sugar and phenylpyruvic acid " there shall be substituted the words " and sugar ".

(2) For paragraph E there shall be substituted the following paragraph—

" E(i) (*To be completed only in the case of a child at least six weeks old at the time of the test*)

Result of suitable serological test of the child's blood for syphilis (please specify test) .....

(ii) (*To be completed only in the case of a child at least six weeks and under two years old at the time of the examination*)

Result of examination of the child's urine for phenylpyruvic acid ....."

8. Form 8 shall be amended as follows :—

(1) After paragraph B there shall be inserted the following paragraph :—

"[And further take notice that the court has been requested to dispense with your consent to the making of the adoption order/ provisional adoption order on the ground that [1]] [2] ".

(2) After Note [3] there shall be inserted the following Notes:—

"[4] Enter the grounds specified in Form 3 (entry No. 12).
[5] Delete the words in square brackets if inapplicable."

9. The Second Schedule to the Adoption (High Court) Rules 1959 shall be amended as follows:—

(1) At the end of paragraph 1 there shall be added the following sub-paragraphs:—

"(*h*) why the applicant wishes to adopt the infant;

(*i*) such other information, including an assessment of the applicant's personality and, where appropriate, that of the infant, as has a bearing on the mutual suitability of the applicant and the infant and on the ability of the applicant to bring up the infant;

(*j*) the applicant's religious persuasion, if any."

(2) In paragraph 4 the words "required to be" shall be omitted.

(3) After paragraph 11 there shall be added the following paragraph:—

"12. The guardian *ad litem* shall draw the attention of the court to the difference in age between the applicant and the infant if it is less than the normal difference in age between parents and their children."

10.—(1) These Rules may be cited as the Adoption (High Court) (Amendment) Rules 1965.

(2) Rules 1 and 4 of these Rules come into operation on 1st January 1966 and the remainder shall come into operation on 1st March 1966.

Gardiner, C.

Dated 7th December 1965.

EXPLANATORY NOTE

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

These Rules amend the Adoption (High Court) Rules 1959 in the following respects.

Rules 2 and 9(2) enable the court to dispense with service of notice of the hearing of an application for an adoption order on a person liable by virtue of any order or agreement to contribute to the maintenance of the child and make it unnecessary for the guardian *ad litem* to interview a person who has not been served.

Rule 3 enables the court, when making an adoption order in respect of a child who had previously been adopted before the Adoption Act 1958 came into force, to obtain a copy of the earlier adoption order in order to ascertain the registration district and sub-district in which the child was born for the purpose of completing the particulars required for the Adopted Children Register.

Rule 4 enables information concerning an adoption to be disclosed to another court or public authority having power to authorise an adoption, whether within Great Britain or elsewhere, if that court or authority requests the information for the purpose of the discharge of its duties. Information may also be disclosed to an authorised person for the purposes of research.

Rule 5 makes provision for the procedure to be followed where the leave of the court is sought to remove a child from the care and possession of a prospective adopter or to serve a notice requiring the child to be returned to an adoption society or local authority.

Rule 6 corrects an error in the heading of the form of originating summons for an adoption order.

Rule 7 amends the medical report as to the health of a child who is the subject of adoption proceedings.

Rule 8 amends the notice to a respondent of the hearing of an application for an adoption order by including a statement, where appropriate, that the applicant has requested the court to dispense with the respondent's consent.

Rule 9(1) and (3) adds to the list of information which the guardian *ad litem* is required to provide for the court.