STATUTORY INSTRUMENTS

1978 No. 1519 (L.35)

CHILDREN AND YOUNG PERSONS

The Adoption (High Court) (Amendment) Rules 1978

Made - - - -	20*th October* 1978
Laid before Parliament	30*th October* 1978
Coming into Operation	20*th 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 section 12(1) of the Adoption Act 1968**(c)**, as amended by Part III of Schedule 4 to the Children Act 1975, and all other powers enabling him in that behalf, hereby makes the following Rules:—

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

2. The Interpretation Act 1889**(d)** 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 (High Court) Rules 1976**(e)**.

4. The principal Rules shall be amended—

(*a*) in rule 3(5), by the omission of the words ", and such an application may, like an application for an adoption order, be disposed of in chambers";

(*b*) in rule 23(3), by the omission of the words "in chambers".

5. In Schedule 1 to the principal Rules, Form 2 shall be amended—

(*a*) in paragraph 8, by substituting "*Parentage*" for "*Percentage*";

(*b*) 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 paragraph 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, 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.";

(*c*) in note **(19)** to paragraph 15, by the addition at the end of the following—

"In the case of a provisional adoption order under section 53 of

(a) 1958 c. 5. (7 & 8 Eliz. 2). **(b)** 1975 c. 72. **(c)** 1968 c. 53.
(d) 1889 c. 63. **(e)** S.I. 1976/1645.

the Act of 1958, the relevant period of actual custody before an order can be made is six months.";

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

6. Schedule 2 to the principal Rules shall be amended—

(*a*) in paragraph 6(1), by inserting a comma after the word "individual";

(*b*) in paragraph 10, by omitting the words "an order or enactment" and substituting "any order or agreement".

7. Rule 17 of the Convention Adoption Rules 1978**(a)** shall be omitted.

Elwyn-Jones, C.

Dated 20th October 1978.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Adoption (High Court) Rules 1976 and the Convention Adoption Rules 1978 by revoking the provisions permitting 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 permit all High Court adoption proceedings to be disposed of in chambers.

The 1976 Rules are also amended so as to correct several minor errors and to clarify two minor points in the explanatory notes which accompany the prescribed forms.

(a) S.I. 1978/417.

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