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.

2. An application for an adoption order shall be made by originating summons in Form 1. The proposed adopter shall be the applicant and the infant shall be the respondent.

3. If any person proposing to apply to the High Court for an adoption order desires that his identity shall be kept confidential, he may, before taking out an originating summons, apply to the Chief Master of the Chancery Division, Royal Courts of Justice, Strand, London, W.C.2., for a serial number to be assigned to him for the purposes of the proposed application and a number shall be assigned to him accordingly.

Appointment of guardian ad litem

4. Subject to the provisions of Rule 5, the Official Solicitor shall, if he consents, be the guardian *ad litem* of the infant for the purposes of the application and a copy of the summons shall be served on him, together with an undertaking by the applicant in Form 2 to pay the Official Solicitor's proper costs for acting as guardian and as solicitor for the infant. The Official Solicitor shall thereupon enter an appearance for the infant.

5.—(1) If the Official Solicitor does not consent to act as guardian *ad litem*, or if the applicant desires that some other person should be appointed to act as guardian, the originating summons must ask for the appointment of a guardian *ad litem* and must be supported by an affidavit by the applicant stating the facts. The judge may thereupon appoint as guardian *ad litem* any person who appears to him to be suitably qualified.

(2) 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 of that authority who assists the children's officer in the exercise of his functions.

Previous proceedings

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 guardian *ad litem* shall bring the matter to the attention of the judge and the application shall not be proceeded with unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application.

Evidence in support of application

7. Evidence in support of an application for an adoption order shall be given by means of an affidavit to which there shall be exhibited a statement in Form 3 and any documents referred to in the statement.

8.—(1) Any document signifying the consent of a person to the making of an adoption order for the purposes of section 6 of the Act shall be in Form 4 and, if executed before the date of the applicant's statement, shall be exhibited to the affidavit referred to in Rule 7.

(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.

9. 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, there shall be exhibited to the affidavit referred to in Rule 7 a certificate of a fully registered medical practitioner as to the applicant's health; and, if the applicant so desires, Form 5 may be used for the purposes of such certificate.

10.—(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 exhibited to the affidavit referred to in Rule 7.

(2) The report may, if the applicant so desires, be in Form 6.

11. The affidavit referred to in Rule 7 shall be filed within fourteen days after the issue of the originating summons, and a copy of the affidavit and of the documents exhibited to it shall thereupon be served on the guardian *ad litem*.

12.—(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) The judge may accept as evidence of that law an affidavit 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.

(3) Where the applicant intends to make use of any such affidavit, he shall file it with the affidavit referred to in Rule 7.

Notice of application

13. The guardian *ad litem* shall, as soon as practicable after he has entered an appearance, serve a notice in Form 7 on any parent or guardian of the infant who has signified his consent to the making of an adoption order.

Duties of the guardian ad litem

14.—(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 applicant's statement 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.

Hearing of the application

15. Within fourteen days after being notified by the guardian *ad litem* that he has made his report to the court pursuant to paragraph (2) of the last foregoing Rule, the applicant shall obtain an appointment for the hearing of the application.

16. On the application being adjourned to the judge, the guardian *ad litem* shall serve a notice in Form 8 on the following persons, that is to say:—

(*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 or body 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 or body who in the opinion of the judge ought to be served with notice of the hearing of the application.

17. On the hearing of the application, any person on whom notice is required to be served under the last foregoing Rule may attend and be heard on the question whether an adoption order should be made. A local authority or other body may be represented by any officer or servant of the authority or body duly authorised in that behalf.

18. If a serial number has been assigned to the applicant under Rule 3 of these Rules, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any party who is not already aware of his identity, except with his consent.

19.—(1) Where the determination of an application is postponed and an interim order is made without a date being fixed for the further hearing, the applicant shall, at least two months before the expiration of the period specified in the interim order, obtain an appointment for the further hearing of the application and, if he fails to do so, the guardian *ad litem* shall obtain such an appointment.

(2) When a date has been fixed for the further hearing of the application, the guardian *ad litem* shall, unless the judge otherwise directs, serve notice in Form 9 on every person on whom notice is required to be served under Rule 16.

Form and transmission of orders

20.—(1) Within seven days after an adoption order has been passed and entered, the Chief Registrar shall send an office copy to the Registrar General and to the applicant.

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

(2) An adoption order, and any copy sent to the Registrar General, shall be drawn up on paper thirteen inches long by eight 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. Within seven days after an interim order has been passed and entered, the Chief Registrar shall send an office copy to the applicant.

22.—(1) The Chief Registrar shall not supply a copy of an adoption order or of an interim 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 is made, the guardian *ad litem* 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 the mother is a single woman, the guardian *ad litem* 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.

Amendment and revocation of adoption orders

24.—(1) An application under section 24 (1) 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 in the proceedings in which the adoption order was made, 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 Chief 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 all the particulars to be entered in the Adopted Children Register.

Keeping of documents and information

25. 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.

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

26. 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

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

(*a*) on a corporation or 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 practice of Chancery Division

28. Subject to these Rules, the practice and procedure of the Chancery Division shall apply to proceedings in the High Court under the Act.

Interpretation

29. 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;

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

"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.

30. 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.

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

Revocation

32. The Adoption of Children (High Court) Rules, 1950(**d**), and the Adoption of Children (High Court) (Amendment) Rules, 1950(**e**), are hereby revoked.

33. Notwithstanding anything in these Rules, any application to the High 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.

(**a**) 3 & 4 Eliz. 2. c. 18. (**b**) 3 & 4 Eliz. 2. c. 19.
(**c**) 52 & 53 Vict. c. 63. (**d**) S.I. 1950/80 (1950 I, p. 267). (**e**) S.I. 1950/346 (1950 I, p. 282).

Citation and commencement

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

Dated this 19th day of March, 1959.

Kilmuir, C.

FIRST SCHEDULE

FORM No. 1

Rule 2

ORIGINATING SUMMONS ON APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

In the High Court of Justice 19 , No.
(Chancery Division)
Mr. Justice
IN THE MATTER OF..... [1] an infant,

and

IN THE MATTER OF the Adoption Act, 1958

Let ..... of ..... within eight days after service of this summons, inclusive of the day of such service, cause an appearance to be entered for him to this summons which is issued upon the application of ..... of ..... for an order:—

[1. That a guardian ad litem be appointed for the purpose of safeguarding the interests of the said .....] [2].

2. That the applicant be authorised to adopt [or be granted a provisional adoption order in respect of] the said .....

3. That the costs of this application be provided for.

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

This summons was taken out by ..... of ...., solicitor for the above-named .....

The respondent may appear hereto by entering appearance either personally or by solicitor at the Central Office, Royal Courts of Justice, London, W.C.2.

If the respondent does not enter appearance within the time and at the place above mentioned, such order will be made and proceedings taken as the judge may think just and expedient.

Notes:

[1] Enter the name(s) and surname which the infant is to bear after the adoption.

[2] Delete this paragraph if the Official Solicitor has consented to act as guardian ad litem.

FORM NO. 2

Rule 4

UNDERTAKING TO PAY COSTS OF OFFICIAL SOLICITOR WHEN ACTING AS GUARDIAN AD LITEM

[*Heading as in Form* 1]

In consideration of your acting as the guardian ad litem of ....., an infant, I, the undersigned [solicitor] [1] hereby, personally [jointly and severally] [2] undertake and agree that as such guardian ad litem and as solicitor for the said ..... you will duly receive and be paid all costs, charges and expenses which may be earned or incurred by you in relation to such guardianship or the duties thereof.

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

Signed.....[3]

To:—The Official Solicitor,
Royal Courts of Justice,
London, W.C.2.

Notes:

[1] Delete if no solicitor is acting for the applicant.

[2] The words in square brackets are required only if there is more than one partner in the firm of solicitors acting for the applicant.

[3] The undertaking should be signed by the solicitor, or by a partner in the firm of solicitors, acting for the applicant, or by the applicant if he is acting in person.

FORM NO. 3

Rule 7

STATEMENT IN SUPPORT OF APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER [1]

[*Heading as in Form* 1]

[*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] ..... [2], 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 [3] .....

Occupation .....

Date of birth .....

Relationship (if any) to the infant .....

2. Name of second applicant in full .....

Address [8] .....

Occupation .....

Date of birth .....

Relationship (if any) to the infant .....

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 described as.....and.....in the marriage certificate (or other evidence of marriage) exhibited to my/our affidavit verifying this statement.

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

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

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 birth/adoption certificate [7] exhibited to my/our said affidavit relates [*or* was born on or about the.....day of ....., 19....., in .....] [8]

[8. A report on the health of the infant [9], made by a fully registered medical practitioner on the.....day of....., 19....., [10] is exhibited to my/our said affidavit.]

9. The infant is the child/adopted child [11] of.....[12] whose last known address was.....[*or* deceased] and.....[13] whose last known address was .....[*or* deceased].

[10. The guardian(s) of the infant is/are..... of..... [and..... of.....].] [14]

11. A document/Documents signifying the consent of the said..... ..... [15] to the making of an adoption order/a provisional adoption order in pursuance of my/our application is/are exhibited to my/our said affidavit.

[12. I/We request the judge to dispense with the consent of..... .....on the ground that..... [16].]

[13. The.....Council [*or*.....] of.....has/have the rights and powers of a parent of the infant.] [17]

[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.] [18]

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.] [19]

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.....] [20]

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..... .....] [21]

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..... .....] [22]

[21. For the purposes of this application reference may be made to..... .....of.....] [23]

[22. I/We desire that my/our identity should be kept confidential and the serial number of this application is.....] [24]

[23. I/We intend to adopt the infant under the law of or within..... ..... [25] and for that purpose I/we desire to remove the infant from Great Britain.] [26]

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

.....
(*Usual signature of applicant[s]*)

Notes:

[1] This statement must be verified by affidavit, to which the statement, marriage certificate and other documents referred to in the statement should be separately exhibited.

[2] 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.

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

[4] 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.

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

[6] A separate medical certificate is required in respect of each applicant. There is an official form (Form No. 5) 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.

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

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

[9] As the court may require up-to-date information as to the health of the infant, a medical report should be supplied 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. 6) which may be used for this purpose.

[10] 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.

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

[12] Enter mother's name.

[13] Enter name of father, if known.

[14] 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.

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

[16] The consent of a parent or guardian may be dispensed with if the court is satisfied 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.

[17] 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.

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

[19] 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.

[20] 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.

[21] 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.

[22] 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.

[23] 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.

[24] If the applicant wishes his identity to be kept confidential, the serial number obtained under Rule 3 of the Adoption (High Court) Rules, 1959, should be given ; otherwise this entry should be deleted.

[25] 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 the judge

may accept 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. Any such affidavit must be filed with the affidavit verifying this statement.

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

FORM No. 4

Rule 8

CONSENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

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

[And whereas the infant is not less than six weeks old;] [3]

[And whereas the infant is the person to whom the birth certificate [4] now produced and shown to me marked "A" relates] [5]:

I, the undersigned.....of..... being [6] the mother/father [7]/guardian [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 either the name of the applicant or the serial number assigned to the applicant for the purpose of the application.

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

[3] Delete the words in square brackets except where the consenting party is the mother. The mother's consent cannot be given before the infant is six weeks old.

[4] 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.

[5] 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.

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

[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.

FORM NO. 5

Rule 9

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. 6

Rule 10

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 .....

FORM No. 7

Rule 13

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

To ..... of ..... [1]

Whereas an application has been made [by...../..... and .....] [2] *or* [under the serial number .....] for an adoption order/a provisional adoption order in respect of ..... [3], an infant;

And whereas I, ..., of ..... am the guardian ad litem of the said infant:

Take notice that while the said application is pending you must not, except with the leave of the judge, remove the infant from the care and possession of the applicant. Application for such leave may be made at the chambers of the judge, Chancery Division, Royal Courts of Justice, Strand, London, W.C.2.

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

(*Signature of guardian ad litem*) .....

Notes:

[1] Enter the name and address of any parent or guardian of the infant who has signified his consent to the making of an adoption order or a provisional adoption order.

[2] The name of the applicant must not be given where a serial number is specified in Form 3 (paragraph 22). In that case complete the second entry in square brackets.

[3] Enter the name(s) and surname as known to the person to whom the notice is given.

FORM No. 8

Rule 16

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

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

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

Take notice:

A. [3] [That the said application will be heard at the Royal Courts of Justice, Strand, London, W.C.2, on the ..... day of ....., 19..., at the hour of ..... in the ..... noon, and that you may then attend and be heard on the question whether an adoption order/a provisional adoption order should be made.]

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

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

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

(*Signature of guardian ad litem*) .....

Notes:

[1] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 3 (paragraph 22). In that case complete the second entry in square brackets.

[2] Enter the name(s) and surname as known to the person to whom the notice is given.

[3] Form A should be completed and Form 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 Form 3, paragraph 22). Where a serial number is specified in that paragraph and the notice is addressed to an individual, Form A must be struck out and Form B completed.

..... Perforation .....

To:—The Official Solicitor, Royal Courts of Justice, London, W.C.2.

(If the Official Solicitor is not the guardian ad litem, the appropriate address should be substituted.)

I have received notice of the 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 attend and be heard on the question whether an adoption order/a provisional adoption order should be made.

.....
(Signature)

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

FORM NO. 9

Rule 19

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

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

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

And whereas I, ..., of ..... am the guardian ad litem of the said 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:

A. [3] [That the said application will be further heard before the judge at the Royal Courts of Justice, Strand, London, W.C.2, on the ..... day of ....., 19..., at the hour of..... in the .....noon and that you may then attend and be heard on the question whether an adoption order/a provisional adoption order should be made.]

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

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

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

(*Signature of guardian ad litem*) .....

Notes:

[1] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 3 (paragraph 22). In that case complete the second entry in square brackets.

[2] Enter name(s) and surname as known to the person to whom the notice is given.

[3] Form A should be completed and Form B struck out where the notice is addressed to a local authority, an adoption society or any other body of persons or where the applicant does not desire his identity to be kept confidential (see Form 3, paragraph 22). Where a serial number is specified in that paragraph and the notice is addressed to an individual, Form A must be struck out and Form B completed.

..... Perforation .....

To:—The Official Solicitor, Royal Courts of Justice, London, W.C.2.

(*If the Official Solicitor is not the guardian ad litem, the appropriate address should be substituted.*)

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 attend and be heard on the question whether on adoption order/a provisional adoption order should be made.

.....

(*Signature*)

....

(*Date*) (*Address*)

SECOND SCHEDULE

Rule 14

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. The guardian ad litem shall ascertain whether the infant is able to understand the nature of an adoption order and, if he is, whether he 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 to whom notice is required to be given under Rule 16 or who appears to the guardian ad litem to have taken part in the arrangements for the adoption of the infant.

5.—(1) The guardian ad litem shall obtain from every person, not being an individual, to whom notice is required to be given under Rule 16 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 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 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 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 the High Court under the Adoption Act, 1958. They revoke and replace the Adoption of Children (High Court) Rules, 1950, as amended. Most of the changes made are in consequence of the amendments to the Adoption Act, 1950, made by the Children Act, 1958. A number of drafting alterations have also been made.