STATUTORY INSTRUMENTS

1971 No. 1520 (L.34)

CHILDREN AND YOUNG PERSONS
The Adoption (High Court) Rules 1971

Made - - - 9*th September* 1971

Coming into Operation 1*st October* 1971

The Lord Chancellor in exercise of the power conferred on him by section 9 of the Adoption Act 1958(**a**), as amended by section 54 of the Children and Young Persons Act 1963(**b**), hereby makes the following Rules :—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Adoption (High Court) Rules 1971 and shall come into operation on 1st October 1971.

(2) 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 ;

"the minor" means in relation to any proceedings the person whom the applicant proposes to adopt ;

"registrar" means a registrar of the Family Division of the High Court ;

"regular armed forces of the Crown" means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955(**c**), the regular air force as defined by section 223 of the Air Force Act 1955(**d**), and any women's service administered by the Defence Council ;

a rule referred to by number means the rule so numbered in these Rules and a form referred to by number means the form so numbered in Schedule 1 to these Rules or a form to the like effect.

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

Application of Supreme Court Rules and powers of registrar

2.—(1) Subject to the provisions of these Rules and of any enactment the Rules of the Supreme Court shall apply with the necessary modifications to proceedings in the High Court under the Act.

(2) For the purposes of paragraph (1) of this Rule any provision of these Rules authorising or requiring anything to be done shall be treated as if it were a provision of the Rules of the Supreme Court.

(**a**) 1958 c. 5.
(**b**) 1963 c. 37.
(**c**) 1955 c. 18.
(**d**) 1955 c. 19.
(**e**) 1889 c. 63.

(3) Unless the contrary intention appears, any power which by these Rules is to be exercised by the Court may be exercised by the registrar.

Commencement and conduct of proceedings

3.—(1) An application to the High Court for an adoption order shall be made by originating summons in Form 1 issued out of the Principal Registry of the Family Division. The proposed adopter shall be the applicant and the minor shall be the respondent.

(2) All proceedings in the High Court under the Act may be disposed of in chambers.

Application for a serial number

4. 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 Senior Registrar of the Family Division, 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.

Effect of previous proceedings

5.—(1) Subject to the next following paragraph an application for an adoption order shall not be entertained by the High Court if a previous application by the same applicant in respect of the same minor has been made to the High Court, a county court or a juvenile court and that court, after hearing the application, has refused it on its merits.

(2) An application for an adoption order may be entertained by leave of the Court, notwithstanding the refusal of a previous application, if the judge is satisfied that since that refusal there has been a substantial change in the relevant circumstances.

(3) An application for leave under the last preceding paragraph shall be included in the originating summons and a statement of the facts on which the applicant relies in support of the application shall be exhibited to the affidavit referred to in Rule 8.

Appointment of guardian ad litem

6. Subject to the provisions of Rule 7, the Official Solicitor shall, if he consents, be the guardian *ad litem* of the minor for the purposes of the application and a copy of the summons shall be served on him.

7.—(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 Court may thereupon appoint as guardian *ad litem* any person who appears to be suitably qualified.

(2) Where the director of social services of a local authority is appointed as 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 him in the exercise of his functions.

Evidence in support of application

8. Evidence in support of an application for an adoption order shall be given by means of an affidavit in Form 2.

9.—(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 3 and, if executed before the date of the applicant's affidavit referred to in Rule 8, shall be exhibited to that affidavit.

(2) If the document is executed outside the United Kingdom, it shall be sufficiently attested for the purposes of section 6(3) of the Act 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.

(3) Where a parent or guardian of the minor has not signified his consent to the making of an adoption order and the applicant intends to ask the Court to dispense with such consent on any of the grounds specified in section 5 of the Act, there shall be exhibited to the affidavit referred to in Rule 8 a statement of the facts on which the applicant intends to rely.

10. Except where the applicant or one of the applicants is the mother or father of the minor or the minor has reached the upper limit of the compulsory school age, there shall be exhibited to the affidavit referred to in Rule 8 a certificate of a fully registered medical practitioner as to the applicant's health; and, if the applicant so desires, Form 4 may be used for the purposes of such certificate.

11.—(1) Any report on the health of the minor 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 8.

(2) The report may, if the applicant so desires, be in Form 5.

12.—(1) The affidavit referred to in Rule 8 shall be filed within fourteen days after the issue of the originating summons, and the applicant shall serve a copy of the affidavit and of the documents exhibited to it on the guardian *ad litem*.

(2) Where the documents exhibited to the affidavit include a statement of the facts referred to in Rule 9(3) the registrar shall, where practicable, inform the parent or guardian of the application to dispense with his consent and send him a copy of that statement:

Provided that, where a serial number has been assigned to the applicant under Rule 4, no information given or document supplied to a parent or guardian under this paragraph shall include any reference to the applicant otherwise than by that serial number.

13.—(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 Court 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 8.

Notice of application

14. On the filing of the affidavit referred to in Rule 8, the registrar shall send a notice in Form 6 to any parent or guardian of the minor who has signified his consent to the making of an adoption order.

Duties of the guardian ad litem

15.—(1) With a view to safeguarding the interests of the minor 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 affidavit and those specified in Schedule 2 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

16. When the guardian *ad litem* has made his report to the Court pursuant to Rule 15(2) the registrar, after giving such directions (if any) as he thinks necessary, shall fix a date for the hearing of the application by a judge.

17. When the date for the hearing has been fixed the registrar shall serve a notice in Form 7 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 minor by virtue of section 24 of the Children and Young Persons Act 1969(**a**) or section 3 of the Children Act 1948(**b**) ;

(*c*) unless otherwise directed, any person liable by virtue of any order or agreement to contribute to the maintenance of the minor ;

(*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 minor ;

(*f*) any other person or body who in his opinion ought to be served with notice of the hearing of the application.

(**a**) 1969 c. 54. (**b**) 1948 c. 43.

18. 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.

19. If a serial number has been assigned to the applicant under Rule 4, the proceedings shall be conducted with a view to securing, so far as possible, that he is not seen by or made known to any party who is not already aware of his identity except with his consent.

20. Where the determination of an application is postponed and an interim order is made without a date being fixed for the further hearing, the registrar shall, at least two months before the expiration of the period specified in the interim order, fix the date for the further hearing of the application and shall, unless otherwise directed, serve notice thereof in Form 8 on every person on whom notice is required to be served by Rule 17.

Form and transmission of orders

21.—(1) Within seven days after an adoption order has been drawn up the registrar shall send a copy to the Registrar General and to the applicant.

(2) Within seven days after an interim order has been drawn up the registrar shall send a copy to the applicant.

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

(*a*) in accordance with the provisions of Rule 21 ;

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

(*c*) on the application of any other person under an order of a judge ; or

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

(2) Paragraph (1) of 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 Act.

(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 a minor 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.

23.—(1) Where an adoption order is made or refused, or an interim order is made, the registrar shall serve notice to that effect on all parties on whom notice of the hearing was served under Rule 17.

(2) Where an adoption order is made in respect of a minor who is illegitimate, then, unless the applicant is his mother and the mother 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 minor.

(a) 1950 c. 26.

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 Court may require notice of the application to be served on such persons as it 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(**a**), is amended, the said notice shall specify all the particulars to be entered in the Adopted Children Register.

Disclosure of information

25. Any information obtained by any person in the course of, or relating to, proceedings under the Act shall be treated as confidential and shall be disclosed if, but only if,—

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

(*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.

Custody and inspection of documents

26.—(1) 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.

(2) Save as required or authorised by any provision of these Rules or of any enactment, no document filed or lodged with the Court in proceedings under the Act shall be open to inspection by any person, and no copy of any such document, or of any extract from any such document, shall be taken by or issued to any person.

Application for return of infant

27.—(1) An application—

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

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

shall be made to a judge by summons.

(**a**) 1926 c. 29.

(2) The registrar shall, not less than seven clear days before the day appointed for the hearing of the summons, serve a copy of the summons on the guardian *ad litem* and on every party to the application for the adoption order.

(3) Where leave is refused, the registrar shall serve notice of the refusal on every party to the application for the adoption order.

(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.

Service of documents

28. 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 usual or last known address.

Use of forms

29. The forms in Schedule 1 to these Rules may be used in the cases to which they are applicable with such variations, if any, as the circumstances may require.

Revocation of Rules and transitional provisions

30. The Adoption (High Court) Rules 1959(**a**), and the Adoption (High Court) (Amendment) Rules 1965(**b**), are hereby revoked, so however that an application for an adoption order which is pending at the date of the commencement of these Rules may be proceeded with and determined in accordance with the Rules in force immediately before that date if and in so far as the more convenient disposal of the application so requires.

Dated 9th September 1971.

Hailsham of St. Marylebone, C.

(**a**) S.I. 1959/479 (1959 I, p. 631). (**b**) S.I. 1965/2071 (1965 III, p. 6093).

SCHEDULE 1

FORM No. 1

Rule 3

ORIGINATING SUMMONS FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

In the High Court of Justice 19 , No.

Family Division

IN THE MATTER OF.....[1] a minor

and

IN THE MATTER OF the Adoption Act 1958

Let.....of.....attend at the Royal Courts of Justice, Strand, London W.C.2. on a date to be fixed for the hearing of 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 application be entertained notwithstanding that a previous application made by the same applicant in respect of the same minor has been refused by the High Court [*or* as the case may be]] [3].

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

4. 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.....

Notes:

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

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

[3] Delete if inapplicable.

FORM No. 2

Rule 8

AFFIDAVIT 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, if it is not applicable, deleted]
I,.....of...../We,..... of .....being desirous of adopting [or obtaining a provisional adoption order in respect of]....., a minor, under the Adoption Act 1958, hereby make oath and say that the particulars set out in paragraphs 1 to ..... of this affidavit are true:—

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 minor.....

2. Name of second applicant in full.....
Address[3] .....
Occupation .....
Date of birth .....
Relationship (if any) to the minor.....

3. I am/We are resident and domiciled in England and Wales/Scotland
[*or* I am/We are domiciled in England and Wales/Scotland but not ordinarily resident in Great Britain]
[*or* I am/we are not domiciled in England and 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 this affidavit.

[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 this 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 this affidavit.][6]

PART II

Particulars of the infant

7. The minor 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 this affidavit relates [*or* was born on or about the.....day of....., 19....., in.....][8]

[8. A report on the health of the minor[9], made by a fully registered medical practitioner on the.....day of....., 19....., [10] is exhibited to this affidavit.]

9. The minor 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 minor 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 this affidavit.

[12. I/We request the judge to dispense with the consent of ..... on the grounds set out in the statement exhibited to this affidavit.][16]

[13. The.....Council [*or*.....] of.....has/have the rights and powers of a parent of the minor.][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 minor.][18]

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

Surname.....

Other names.....

PART III

General

16. The minor 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 minor.][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 minor.]

[19. A previous application No.....was made to the..... court by.....in respect of the minor, which was heard on the .....day of....., 19....., and was dealt with as follows..... A statement of the changes in the relevant circumstances on which I/we rely in accordance with Rule 5 of the Adoption (High Court) Rules 1971 is exhibited to this affidavit.][20]

20. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the minor or for giving consent to the making of the adoption order/ provisional adoption order [except as follows.....][21]

21. As far as I/we know, no person or body has taken part in the arrangements for placing the minor in my/our care and possession [except.....][22]

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

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

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

Sworn etc.

This affidavit is filed on behalf of the applicant(s).

Notes:

[1] The marriage certificate and other documents referred to in this affidavit should be separately exhibited.

[2] Enter the first name(s) and surname as shown in any certificate referred to in paragraph 7; otherwise enter the first name(s) and surname by which the minor 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 paragraph 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. 4) 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 minor or the minor has reached the upper limit of the compulsory school age.

[7] If the minor 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 minor, a medical report should be supplied unless the applicant, or one of the applicants, is a parent or relative of the minor or the minor has reached the upper limit of the compulsory school age. There is an official form (Form No. 5) which may be used for this purpose.

[10] If the minor 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 minor 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 minor 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 Minors Act 1971(a) or by a court of competent jurisdiction, to be a guardian.

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

[16] 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 minor, 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 paragraph should be deleted except where some person or body has the rights and powers of a parent of the minor by virtue of section 24 of the Children and Young Persons Act 1969 or section 3 of the Children Act 1948.

(a) 1971 c. 3.

[18] This paragraph should be deleted where some person or body is liable to maintain the minor 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 minor or if at the time of the hearing the minor will have reached the upper limit of the compulsory school age.

[20] The court cannot entertain the application if a previous application made by the same applicant in respect of the same minor 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 minor 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 minor, 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 4 of the Adoption (High Court) Rules 1971, should be given; otherwise this paragraph 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 this affidavit.

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

FORM No. 3

Rule 9

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], a minor;

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

[And whereas the minor 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 minor, 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 minor from Great Britain for the purpose of adopting him/her abroad and to give the applicant(s) custody of the minor 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 minor 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 conerned has abandoned, neglected or persistently ill-treated the minor, 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 in pursuance of the application [on condition that the religious persuasion in which the minor 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 minor in the care and possession of the applicant[s] [except..... .....][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 minor 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 child is six weeks old.

[4] If the minor 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 minor 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 Minors Act 1971, or by a court of competent jurisdiction, to be guardian of the minor.

[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 minor 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 minor to be placed in the care and possession of the applicant.

[12] In England and 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 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. 4

Rule 10

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. 5

Rule 11

Medical Report on Health of Minor

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 and sugar).

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 (i) (To be completed 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 in the case of a child over six days, excluding the day of his birth, and under two years old at the time of the test.)
Result of test of the child's blood for the purpose of estimating the level of phenylalanine therein.....

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. 6

Rule 14

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], a minor;

Take notice that while the said application is pending you must not, except with the leave of the judge, remove the minor from the care and possession of the applicant. Application for such leave may be made at the Principal Registry of the Family Division, Somerset House, Strand, London, W.C.2.

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

.....
Registrar

Notes:

[1] Enter the name and address of any parent or guardian of the minor 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 2 (paragraph 23). 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. 7

Rule 17

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], a minor;

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.....o'clock, 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.]

[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 grounds .....][4][5]

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] 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 2 (paragraph 23). 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 2, paragraph 23). 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.

[4] Enter the grounds specified in Form 2 (paragraph 5) or refer to the statement exhibited to Form 2 (paragraph 12) as the case may be.

[5] Delete if inapplicable.

..... Perforation .....

To:—The Senior Registrar, Principal Registry of the Family Division, Somerset House, Strand, London W.C.2.

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

*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. 8

Rule 20

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....., a minor[2];

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.....o'clock 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.....

.....
Registrar

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 2 (paragraph 23). 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 2, paragraph 23). 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 Senior Registrar, Principal Registry of the Family Division, Somerset House, Strand, London W.C.2.

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

*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*)

SCHEDULE 2

Rule 15

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 minor;
   (*h*) why the applicant wishes to adopt the minor;
   (*i*) such other information, including an assessment of the applicant's personality and, where appropriate, that of the minor, as has a bearing on the mutual suitability of the applicant and the minor and on the ability of the applicant to bring up the minor;
   (*j*) the applicant's religious persuasion, if any.

2. The guardian *ad litem* shall ascertain and inform the applicant—
   (*a*) whether the minor has been baptised and, if so, the date and place of baptism;
   (*b*) what treatment the minor has received with a view to immunising him against disease;

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

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

3. The guardian *ad litem* shall ascertain whether the minor 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 17 or who appears to the guardian *ad litem* to have taken part in the arrangements for the adoption of the minor.

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 17 such information concerning the minor as they have in their possession and which they consider might assist the court in deciding whether or not the minor 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 minor ceased to have the care and possession of the minor 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 minor 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 minor is illegitimate but no one is liable as the putative father to contribute to the maintenance of the minor 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.

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

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make provision for proceedings under the Adoption Act 1958 to be taken in the Family Division of the High Court to which they have been assigned under section 1 of the Administration of Justice Act 1970 (c.31).

The pattern of the previous Rules is closely followed, with the necessary adaptations to the practice of the Family Division and some minor alterations. By Rule 5, where a previous application has been refused, the leave of the Court must be asked for in the Originating Summons and a statement of the changed circumstances must be filed with the evidence. Rule 12(2) whereby a parent or a guardian is to be informed of an application to dispense with his consent, is based on a previous Practice Direction. In Schedule 1, Form No. 5 (medical report on health of minor) contains an amendment to the test referred to in paragraph E(ii).

By Rule 30 proceedings which are pending on 1st October 1971 may be continued under the previous procedure if the more convenient disposal of the application so requires. Subject to that, the Adoption (High Court) Rules 1959 and the Adoption (High Court) (Amendment) Rules 1965 are revoked.