STATUTORY INSTRUMENTS

1965 No. 2072 (L.27)

MAGISTRATES' COURTS

The Adoption (Juvenile Court) Rules 1965

Made - - - -	*7th December* 1965
Laid before Parliament -	*14th December* 1965
Coming into Operation—	
Rule 2 - - -	*1st January* 1966
Remainder - -	*1st March* 1966

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), and section 9 of the Adoption Act 1958(c) as amended by section 54 of the Children and Young Persons Act 1963(d), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules:—

1.—(1) At the end of Rule 23(1) of the Adoption (Juvenile Court) Rules 1959(e) (which relates to the supply of copies of an adoption order) there shall be added the following sub-paragraph:—

" (*d*) on the request of another juvenile court, a county court or the High Court.".

(2) After paragraph (2) of the said Rule 23 there shall be added the following paragraph:—

" (3) A juvenile court shall not request another juvenile court, a county court or the High Court to furnish a copy of an adoption order under paragraph (1)(*d*) of this Rule or under any other Adoption Rule corresponding to that paragraph except in the case of an infant born in England who had been adopted in England before 1st April 1959 and in respect of whom the registration district and sub-district in which he was born would not otherwise be proved to the satisfaction of the first mentioned court for the purposes of section 21(3) of the Adoption Act 1958.".

2. In Rule 30 of the said Rules (which relates to the disclosure of confidential information concerning adoptions) for the words " and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty " there shall be substituted the following words:—

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

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

(a) 12, 13 & 14 Geo. 6. c. 101.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) 7 & 8 Eliz. 2. c. 5.
(d) 1963 c. 37.
(e) S.I. 1959/504 (1959 I, p. 1626).

(*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 ".

3. After Rule 31 of the said Rules there shall be inserted the following Rule:—

" 31A.—(1) A person wishing to apply to the court to grant leave for the removal of an infant from the care and possession of an applicant under section 34 or section 35 of the Adoption Act 1958 (hereafter in this Rule referred to as " the said person ") shall give notice in Form 14 to the court by delivering it, or sending it by post, to the clerk to the justices for the petty sessions area hearing the application for the adoption order.

(2) The court shall serve on the applicant and on each respondent to the application for the adoption order (other than the said person) a copy of the said notice.

(3) The court shall fix a time for hearing the application under this Rule and shall serve notice of the time on the said person and on the applicant and each respondent (other than the said person) to the application for the adoption order; and the applicant and each such respondent shall be a respondent to the application under this Rule.

(4) If a serial number has been assigned to the applicant under Rule 2 of these Rules, the proceedings under this Rule shall be conducted with a view to securing that, except with his consent, he is not seen by, or made known to, any other respondent to the application under this Rule, or to the said person, if he is not aware of his identity.

(5) (*a*) Rules 7, 16, 25 and 26 of these Rules shall apply to proceedings under this Rule as they apply to an application for an adoption order.

(*b*) Rule 28 of these Rules shall apply to proceedings under this Rule as it applies to proceedings under Part I of the Adoption Act 1958, except that the requirement as to the particulars to be shown may be modified so far as circumstances require; and Rule 29 of these Rules shall apply accordingly.

(*c*) Rules 30 and 31 of these Rules shall apply to proceedings under this Rule as they apply to proceedings under Part I of the Adoption Act 1958.".

4. In Rule 36 of the said Rules for the words " Part I " there shall be substituted the words " Parts I and III ".

5.—(1) In paragraph A of Form 3 in Schedule 1 to the said Rules (which relates to the medical report as to health of infant) for the words " sugar and phenylpyruvic acid " there shall be substituted the words " and sugar ".

(2) For paragraph E of the said Form 3 there shall be substituted the following paragraph:—

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

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

(ii) (*To be completed only in the case of a child at least six weeks and under two years old at the time of the examination*)
Result of examination of the child's urine for phenylpyruvic acid .....".

6. After paragraph (4) of Form 6 in Schedule 1 to the said Rules (notice to respondent of application for adoption order) there shall be inserted the following paragraph:—

" *Delete if inapplicable

*(5) The court has been requested to dispense with your consent on the ground that .....".

7.—(1) After Form 13 in Schedule 1 to the said Rules there shall be added the following Form:—

" Form 14

Notice asking for leave of court to remove infant from prospective adopters

In the [county of . Petty Sessional Division of].

Whereas an application has been made by (*name and address of applicant*) *or* under the serial number for an adoption order to be made in respect of (*identify the infant*):

I hereby give notice that—

* (a) I, the parent/guardian of the infant, seek the leave of the court to remove the infant from the care and possession of the applicant:

* (b) The .....(*insert the name of local authority or adoption society*) seek the leave of the court to give notice of their intention not to allow the infant to remain in the care and possession of the applicant:

*Delete one or other alternative (see note).

The grounds on which the leave of the court is sought are as follows:—

Date..... Signature.....

Address .....

.....

Note. A notice can be given only by a parent or guardian of the infant who has consented to the making of an adoption order or by a registered adoption society or local authority which has placed the infant with the prospective adopters or by a local authority if the infant is in the care of a local authority. In the first case delete alternative (b) and state your relationship to the infant: in the other two cases delete alternative (a) and state the name of the adoption society or local authority.".

8.—(1) At the end of paragraph 1 of Schedule 2 to the said Rules (which relates to the duties of the guardian ad litem) there shall be added the following sub-paragraphs:—

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

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

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

(2) After paragraph 10 of the said Schedule there shall be added the following paragraph:—

" 11. The guardian ad litem shall draw the attention of the court to any difference in age between the applicant and the infant which is less than the normal difference in age between parents and their children.".

9.—(1) These Rules may be cited as the Adoption (Juvenile Court) Rules 1965.

(2) These Rules shall come into operation on 1st March 1966, except that Rule 2 of these Rules shall come into operation on 1st January 1966.

Dated 7th December 1965.

Gardiner, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Adoption (Juvenile Court) Rules 1959.

Rule 1 enables a court, when making an adoption order in respect of a child who had previously been adopted before the Adoption Act 1958 came into force, to obtain a copy of the earlier adoption order in order to ascertain the registration district and sub-district in which the child was born for the purpose of completing the particulars required for the Adopted Children Register.

Rule 2 enables information concerning an adoption to be disclosed to another court or public authority concerned in authorising adoptions, whether within Great Britain or elsewhere, if that court or authority requests the information for the purpose of the discharge of its duties: information may also be disclosed to an authorised person for the purposes of research.

Rules 3, 4 and 7 make provision for the procedure to be followed where the leave of the court is sought to remove a child from the care and possession of the prospective adopters.

Rule 5 amends the medical report as to the health of an infant which is being adopted as respects the examination of its genito-urinary system and as respects the test for syphilis.

Rule 6 amends the notice to a respondent of the application for an adoption order by including a statement, where appropriate, that the applicant has requested the court to dispense with the respondent's consent.

Rule 8 adds to the list of information which the guardian ad litem is required to provide for the court.