CHILDREN AND YOUNG PERSONS

1952 No. 1258 (L. 7)

The Adoption of Children (County Court) Rules, 1952

Made - - - -	*27th June*, 1952
Coming into Operation	*1st August*, 1952

I, the Right Honourable Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, by virtue of section 8 of the Adoption Act, 1950(a), and of all other powers enabling me in this behalf, hereby make the following rules for carrying that Act into effect so far as it confers jurisdiction upon county courts:

Commencement of Proceedings

1. Proceedings in the county court under the Adoption Act, 1950(a), shall be commenced by originating application in the form numbered 1 in the First Schedule to these rules. The proposed adopter shall be the applicant and the persons mentioned in rule 9 shall be the respondents.

2. The rules relating to originating applications shall apply subject to the modifications contained in these rules and in particular—

(*a*) save as provided in rule 6 no person shall be served with a copy of the application;

(*b*) the notice to be served on every respondent shall be in the form numbered 3 in the First Schedule to these rules and shall be served also on the guardian ad litem;

(*c*) a note of service or non-service shall be indorsed on a copy of form 3.

3. If any person proposing to apply to a county court for an adoption order desires that his identity should be kept confidential, he may, before presenting an originating application, apply to the registrar for a serial number to be assigned to him for the purposes of the proposed application, and the registrar shall assign such a number to him accordingly.

4. Any document signifying the consent of any person which is attached to an originating application in accordance with these rules shall be in the form numbered 2 in the First Schedule to these rules.

5. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant to any court other than a county court, the court shall not entertain the application; and if it appears that the applicant has previously made an application for such an order to a county court and that that court, after having heard the case, dismissed the application on its merits, the registrar shall bring the matter to the attention of the judge and shall not proceed further with the application unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application.

(a) 14 Geo. 6. c. 26.

Appointment and functions of guardian ad litem

6. Subject to the provisions of rule 5, where an application is made to a county court for an adoption order, the registrar shall as soon as practicable appoint a guardian of the infant for the purposes of the application (in these rules referred to as a guardian ad litem) and shall cause one copy of the originating application together with the documents referred to therein to be served on him with a notice in form 3.

7. It shall be the duty of the guardian ad litem to investigate as fully as possible all circumstances relevant to the proposed adoption with a view to safeguarding the interests of the infant before the court, and to make a report to the court for that purpose ; and in particular it shall be his duty—

(*a*) to make inquiries as to all matters alleged in the originating application, and as to the additional matters specified in the Second Schedule to these rules, and to report to the court upon them ;

(*b*) to interview (either by himself or by an agent appointed by him for the purpose) every individual being an applicant for the order or a respondent or mentioned in the originating application as a person to whom reference may be made, and the appropriate officer of any local authority or other body being a respondent ;

(*c*) to satisfy himself, within 21 days of the service of the originating application on him, whether the infant is, or is not, of an age to understand the effect of an adoption order, and, if he is satisfied that he is—

(i) to notify the court forthwith that the infant is in his opinion of such an age ;

(ii) to find out whether the infant has been informed of the application and of the said effect, and, if he has not been so informed, to inform him thereof ;

(*d*) to attend the court whenever required for the purposes of the application.

8. The guardian ad litem, any agent of his, and, where a local authority or other body is appointed as guardian ad litem, every officer of that authority or body, shall treat as confidential all information obtained in the course of the investigation, and shall not divulge any part of it to any other person except so far as may be necessary for the proper execution of his duty.

9. At the time of appointing a guardian ad litem, the registrar shall fix a date and time for the hearing of the application, and shall serve a notice in the form numbered 3 in the First Schedule to these rules on the following persons:—

(*a*) every person, not being an applicant, whose consent to the order is required under subsection (4) of section 2 of the Adoption Act, 1950:

Provided that where the applicant includes in his originating application a request that the consent of any such person be dispensed with, the judge may, on the *ex parte* application of the applicant, order that a notice shall not be served on that person unless he so directs at the hearing of the originating application ;

(*b*) the welfare authority for the area in which the applicant is for the time being resident ;

(*c*) any adoption society by whom arrangements for the adoption have been made; and

(*d*) any other person, not being the infant, who in the opinion of the court ought to be a respondent to the application,

and any person upon whom a notice is required to be served under this rule shall be a respondent to the application.

10. Where the court is notified by the guardian ad litem under paragraph (*c*) of rule 7 of these rules that the infant is in his opinion of an age to understand the effect of an adoption order, the registrar shall serve on the applicant a notice in the form numbered 4 in the First Schedule to these rules.

Attendance of parties and hearing of application

11. Subject to rule 12, the judge shall not make an adoption order or an interim order except after the personal attendance before him of the applicant, the infant (unless in the opinion of the judge he is not of an age to understand the effect of an adoption order) and the guardian ad litem; but the personal attendance of a respondent shall not be required unless it appears to the judge that there are special circumstances which render his attendance necessary.

12. Where the application is made jointly, the judge may dispense with the personal attendance of one of the applicants if the originating application is verified by an affidavit sworn by that person in accordance with the provisions of section 84 of the County Courts Act, 1934(a) (or, if that person is outside the United Kingdom, by a declaration made by him and attested by a person of any class prescribed by rule 31).

13. Unless it appears from the originating application, or is otherwise shown to the satisfaction of the court, that the applicant does not desire his identity to be kept confidential, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any individual being a respondent (other than the spouse of the applicant); and in particular the court shall direct that the applicant (unless his attendance is dispensed with under rule 12) shall attend and be heard and examined separately and apart from any such respondent.

14. All documents filed in the court shall be confidential and shall be kept secret by the registrar; every application for an adoption order shall be heard and determined in camera.

15. If owing to special circumstances any case appears to the judge to be more fit to be dealt with by the High Court, he may, on that ground expressly, refuse to make any order upon the application.

16. Notwithstanding anything in the County Court Rules, the hearing of the application shall not be adjourned at the instance of the applicant unless the judge is satisfied that there are special circumstances which render the adjournment necessary or expedient.

(a) 24 & 25 Geo. 5. c. 53.

Form and transmission of orders

17. An adoption order shall be drawn up in the form numbered 5 in the First Schedule to these rules, and an interim order in the form numbered 6 in that Schedule.

18. Within 7 days after the making of an adoption order, the registrar shall send a sealed copy of the order to the Registrar General and to the applicant.

19. Any copy of an adoption order sent to the Registrar General shall be drawn up on paper of foolscap folio size, 13 inches by 8 inches, and shall have a margin to be left blank, not less than 1 inch wide, on the left side of the face of the paper and a similar margin on the right side of the reverse.

20. Any copy of an order which is sent by post in accordance with rule 18 shall be sent by registered post.

21. No duplicate or copy of an adoption order or interim order shall be given to or served upon any person other than the Registrar General or the applicant except by special direction of the High Court or of the judge of the county court by which the order was made.

22. Where an adoption order is made or refused or an interim order made, the registrar shall, subject to rules 13 and 21, serve notice to that effect on all parties who were not present when the order was made or refused.

Restoration of proceedings after interim order

23. Where the determination of an application is postponed and an interim order made—

(*a*) the applicant shall, at least two months before the expiration of the period specified in the interim order, apply to the county court by which the order was made to proceed to the final determination of the application;

(*b*) the registrar shall thereupon fix a time for the further hearing of the application, and shall serve on every respondent and on the guardian ad litem a notice in the form numbered 7 in the First Schedule to these rules and shall serve on the applicant a notice in the form numbered 8 in the said Schedule.

24. If no such application as is mentioned in paragraph (*a*) of rule 23 is made within the time required by that paragraph, an application for the purposes of that rule may be made at any time thereafter by the guardian ad litem or any respondent, and the provisions of that rule shall have effect accordingly.

Costs

25. On the determination of an application for an adoption order, and on the making of an interim order, the judge may make such order as to costs as he thinks just, and in particular may order the applicant to pay—

(*a*) the out of pocket expenses incurred by the guardian ad litem,

(*b*) the expenses incurred in attending the court by any respondent,

or such part of those expenses as the judge thinks proper.

Amendment of adoption orders

26. An application for an order under subsection (1) of section 21 of the Adoption Act, 1950, for the amendment of an adoption order, may be made *ex parte*.

27. Where an order for the amendment of an adoption order is made under subsection (1) of section 21 of the Adoption Act, 1950, 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 described in the Schedule to the adoption order) and stating what amendments are to be made in the particulars specified in that order.

Application of County Court Rules

28. Subject to these rules, the County Court Rules shall apply to proceedings under the Adoption Act, 1950, so far as they are applicable.

Proceedings of local authorities, etc.

29. Where a local authority or other body is appointed under these rules as guardian ad litem, or is a respondent to an application for an adoption order, anything required or authorised by these rules to be done by the guardian or respondent may be done by any officer of the authority or body duly authorised in that behalf.

Service of documents

30. Any document under these rules may be served—

(*a*) on an individual, by delivering it to him personally, or by leaving it with some person for him at his last known or usual place of abode (whether in England or elsewhere) or by sending it to him by registered post at that place;

(*b*) on a local authority, on a registered adoption society or on any other body of persons, by delivering it at or sending it by registered post to the principal office of the authority, or the registered or principal office of the society or other body, as the case may be.

Attestation of consents, etc.

31. For the purposes of subsection (2) of section 4 of the Adoption Act, 1950, and of rule 12 of these rules, a document or declaration executed or made by any person outside the United Kingdom shall be sufficiently attested if it is attested as follows:—

(*a*) if the document or declaration is executed or made at any place in the Channel Islands, the Isle of Man, or in any colony, protectorate, protected state or United Kingdom trust territory, by any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate or any person for the time being authorised by law in that place to administer an oath for any judicial or other legal purpose;

(*b*) if the document or declaration is executed or made at any place in any of the countries mentioned in subsection (3) of section 1 of the British Nationality Act, 1948(**a**), or in the Republic of Ireland or in any mandated territory or trust territory administered by the government of any such country, by any person for the time being authorised by law in that place to administer an oath for any judicial or other legal purpose;

(a) 11 & 12 Geo. 6. c. 56.

(*c*) if the document or declaration is executed or made at any other place, by any consular officer of Her Majesty's government in the United Kingdom or by any person authorised by the Secretary of State to administer the oath of allegiance for the purposes of section 6 or section 10 of the British Nationality Act, 1948;

(*d*) if the person by whom the document is executed or made is serving in any of Her Majesty's naval, military or air forces, by an officer holding a commission in any of those forces.

Applications under Adoption Act, 1950, s. 3 (4)

32. An application under subsection (4) of section 3 of the Adoption Act, 1950, for leave to remove the infant from the care and possession of the applicant shall be made personally to the judge, and notice thereof shall be served on the guardian ad litem.

33. Where leave to remove the infant from the care and possession of the applicant is granted under subsection (4) of section 3 of the Adoption Act, 1950, the judge may, upon granting leave, dismiss the application for the adoption order.

Interpretation

34. In these rules the following expressions have the meanings hereby assigned to them:—

"the court" means the county court for the district in which the applicant resides, and also the judge or registrar exercising the powers of the court;

"the applicant" includes either, as well as both, of two joint applicants;

"interim order" means an interim order made under section 6 of the Adoption Act, 1950;

"person" (without prejudice to section 19 of the Interpretation Act, 1889(**a**)) includes a body of persons.

35. The Interpretation Act, 1889, shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Revocation

36. The Adoption of Children (County Court) Rules, 1949(**b**), are hereby revoked.

37. Notwithstanding anything in these rules, any 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.

Citation and commencement

38. These rules may be cited as the Adoption of Children (County Court) Rules, 1952.

39. These rules shall come into force on the first day of August, nineteen hundred and fifty-two.

Dated the 27th day of June, 1952.

Simonds, C.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1949/2396; 1949 I, p. 1.

FIRST SCHEDULE

Rule 1

FORM NO. 1

Originating application for an adoption order in respect of an infant

In the .....County Court

No. .....

IN THE MATTER OF the Adoption Act, 1950
and
IN THE MATTER OF A.B.[1] an Infant

[This Form must be filed in duplicate, but duplicates of the attached documents need not be filed]

1. I, the undersigned, C.D./We, the undersigned, C.D. and E.D. desire to adopt A.B., an infant, under the Adoption Act, 1950.

2. I am/We are resident in England/Wales and domiciled in England/Wales/Scotland.

3. I am unmarried/a widow/widower/I am married to E.D. of ..... /We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.

4. The infant is of the ..... sex and unmarried. He/She was born on the ..... 19....., and is the person to whom the attached birth certificate[2] relates/was born on or about the ..... 19... in .....[3]

5. The infant is the child/adopted child [2]of—

F.B. of ..... /whose last known address was ..... /deceased [and

G.B. of ..... /whose last known address was ...../deceased][4]

[6. The guardian of the infant is H.K. of ..... /The guardians of the infant are H.K. of ..... and J.B. of .....][5]

[7. L.M. of ..... is liable by virtue of an order or agreement to contribute to the maintenance of the infant.][6]

8. I/We attach a document/documents signifying the consent of the said .....[7] to the making of an adoption order upon my/our application.

[9. I/We request the judge to dispense with the consent of the said..... .....[8]on the following grounds.....]

10. The infant was received into my/our care and possession on the .....19....., from ..... of ..... and has been continuously in my/our care and possession since that date.

11. I/We notified the.....Council on the.....19....., of my/our intention to apply for an adoption order in respect of the infant.

[12. A certificate as to physical and mental health of the infant, signed by a registered medical practitioner on the.....19....., is attached.][9]

13. I/We have not received or agreed to receive, and no person has made or given or agreed to make or give to me/us, any payment or other reward in consideration of the adoption [except as follows:

.....
.....].

14. I have not made/Neither of us has made a previous application for an adoption order in respect of the same or any other infant to any court [except an application made to the.....court at.....on the .....19....., which was dealt with as follows:

.....

.....].

[15. For the purposes of my/our application reference may be made to N.O. of.....][10]

16. I/We desire that my/our identity should be kept confidential, and the serial number of this application is.....] [11] *or* [I/We do not desire that my/our identity should be kept confidential].

17. Further particulars of myself/ourselves are set out in the annex to this application.

18. If an adoption order is made in pursuance of my/our application, it is proposed that the infant should be known as.....

Dated this.....day of....., 19.....

.....

.....

(*Usual signature of applicant/applicants.*)

ANNEX TO FORM NO. 1

Further particulars of applicant or applicants

Particulars of C.D.

Name in full [Block capitals].....

Address.....

Occupation.....

Date of Birth .....

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

Particulars of E.D.

Name in full [Block capitals].....

Address.....

Occupation .....

Date of Birth .....

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

Notes:

[1] Enter the first name[s] and surname as shown in the birth certificate referred to in entry No. 4, if available; otherwise enter name[s] and surname by which the infant was known before being placed for adoption.

[2] 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 particulars given in entry No. 5 should relate to the parent or parents by adoption and not to the natural parent or parents.

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

[4] If the infant is illegitimate, the father's name should not be given in this entry; but see entry No. 7.

[5] This entry should be completed only if the infant has a legal guardian other than the father or mother of the infant.

[6] Enter the name of any person or body known to be liable by virtue of any order or agreement to contribute to the infant's maintenance, including, if the infant is illegitimate, the name of any person who has been adjudged by an affiliation order to be the putative father.

[7] The names to be entered here (or in the following entry) are those of the persons named in entries Nos. 5, 6 and 7, and (where the application is made by one of two spouses alone) of the spouse of the applicant.

[8] This entry should be completed with the name of any of the persons mentioned in the previous note who has not signified his or her consent. See subsections (1) and (2) of s. 3 of the Adoption Act, 1950, as to the grounds on which consent may be dispensed with.

[9] This entry need not be completed if the applicant or either of the applicants is a parent of the infant or a " relative " as defined by s. 45 of the Adoption Act, 1950.

[10] This entry need not be completed if the applicant or either of the applicants is a parent of the infant or a " relative " as defined by s. 45 of the Adoption Act, 1950. Where it is completed, more than one referee may be named if desired.

[11] If the applicant wishes his name to be kept confidential, insert serial number obtained in pursuance of rule 3 of the Adoption of Children (County Court) Rules, 1952.

FORM NO. 2 Rule 4

Consent to an adoption order in respect of an infant

[*General Title—Form* 1]

Whereas an application is to be made [by C.D./C.D. and E.D.][2] *or* [under the serial number.....] for an order under the Adoption Act, 1950, authorising the adoption of A.B.[1], an infant of the.....sex, born on the.....19....., hereinafter called the infant;

[And whereas the infant is not less than six weeks old and is the person to whom the birth certificate[3] now produced and shown to me marked " A " relates] [4]:

I, the undersigned..... of....., being[5]—

the mother[3] of the infant/

the father[3] of the infant/

a guardian of the infant/

a person [acting on behalf of a body] liable by virtue of an order or agreement to contribute to the maintenance of the infant/

a person [acting on behalf of a body] having parental rights in respect of the infant/

the spouse of the said C.D.,

hereby state as follows:—

(1) I understand that the effect of an adoption order is to deprive a parent or guardian of all rights in respect of the maintenance and upbringing of the infant.

(2) I understand that, when the application for an adoption order in respect of the said A.B. is heard by the judge, this document may be used as evidence of my consent to the making of the order unless I have notified the court that I no longer consent.[6]

(3) I hereby consent to the making of an adoption order in pursuance of the said application [on condition that the religious persuasion in which the infant is brought up is.....] [7]

.....

(*Signature.*)

Signed at[8].....on.....
by the said.....[who satisfied me that she fully understood the nature of the foregoing statement and was prepared to surrender her child for adoption.] [4]

Before me (*Signature*).....

(*Address*).....

(*Description*)[5].....

Notes:

[1] Insert name as known to the consenting party.

[2] Where the name of applicant is not known to the consenting party, and a serial number has been obtained for the application under rule 3 of the Adoption of Children (County Court) Rules, 1952, complete the entry contained in the second square brackets.

[3] 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.

[4] Delete words in square brackets except where the consenting party is the mother of the infant.

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

[6] If the consenting party is the mother of the infant, the document will not be admissible as evidence unless the signature is attested by a justice of the peace (or, if executed abroad, by an officer authorised by the Adoption of Children (County Court) Rules, 1952—see note [8]). In all cases the document, if so attested, will be admissible without further proof of execution.

[7] 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 conditions as to religious upbringing.

[8] Where the document is executed outside the United Kingdom, attestation in accordance with rule 31 of the Adoption of Children (County Court) Rules, 1952, has the same effect as attestation by a justice of the peace.

Rule 9 FORM No. 3

Notice of an application for an adoption order in respect of an infant

[*General Title—Form* 1] Seal

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

Whereas an application for an order under the Adoption Act, 1950, authorising the adoption of A.B. [1], an infant of the ..... sex born on the .... 19 ..., has been made [by C.D./C.D. and E.D.][2] *or* [under the serial number.....];

And whereas.....of.....has been appointed guardian ad litem of the said infant;

Take notice:

A.[3] [That the said application will be heard at.....County Court at..... on the .....19..... at the hour of.....in the.....noon, and that you may appear to show cause why the adoption order should not be made.]

B.[3] [That if you wish to attend and show cause why the adoption order should not be made, you should give notice to the court on or before..... ..... 19....., in order that a date and time may be fixed for your attendance.]

[And take notice further that while the said application is pending, a parent or guardian of the infant who has already signified his consent to the making of the adoption order must not, except with the leave of the judge, remove the infant from the care and possession of the applicant[s]. Application for such leave may be made personally to the judge.][4]

The slip below should be completed and returned to the court.

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

Registrar.

Notes:

[1] Enter names[s] and surname as shown in the heading of Form No. 1.

[2] The name of the applicant must not be given where a serial number is specified in the originating application (entry No. 16) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.

[3] Paragraph A should be completed and paragraph 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 originating application, entry No. 16). Where a serial number is specified in that entry and the notice is addressed to an individual respondent, other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

[4] Delete words in square brackets except where the notice is addressed to a parent or guardian of the infant.

..... Perforation .....

To the ..... County Court .....

I have received notice of the application for an adoption order in respect of A.B., an infant.

(*a*) I do not wish to oppose the application.

or

(*Delete (a) or (b)*) (*b*) I wish to attend and show cause why the adoption order should not be made.

.....

(*Signature*)

....

(*Date*) (*Address*)

Rule 10

FORM NO. 4

Notice to applicant that the infant's presence is required at the hearing

[*General Title—Form* 1]

Seal

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

Whereas an application has been made by you for an order under the Adoption Act, 1950, authorising you to adopt the above-named infant;

And whereas the said application will be heard at ..... County Court at ..... on the ..... 19... at the hour of ..... in the .....noon;

Take notice that no order can be made unless the infant is present at the hearing.

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

Registrar.

Rule 17

FORM NO. 5

Adoption order in respect of an infant

[*General Title—Form* 1]

Seal

Application having been made by C.D., by occupation ..... resident at ..... and domiciled in England/Wales/Scotland [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the Adoption Act, 1950, authorising him/her/them to adopt A.B.[1], an infant, the child/adopted child of F.B./F.B. and G.B.;

And the said A.B. (hereinafter called the infant) being of the ..... sex, and never having been married;

And the applicant/one of the applicants

having attained the age of twenty-five years and being at least twenty-one years older than the infant/

having attained the age of twenty-one years and being a relative of the infant within the meaning of the said Act/

being the mother/father of the infant;

[And the names by which the infant is to be known being P.D.][2]

[And it having been proved to the satisfaction of the judge that the infant is identical with A.B., to whom the entry numbered ..... and made on the ..... 19 ....., in the Register of Births for the registration district of ..... and sub-district of ..... in the county of ..... relates][3];

And the [probable][4] date of the birth of the infant appearing to be the ..... 19 .....

[And the infant having been previously the subject of an adoption order dated the ..... 19 ....., of which particulars are entered in the Adopted Children Register][5];

And all the consents required by the said Act being obtained or dispensed with;

It is ordered that the applicant/applicants be authorised to adopt the infant;

[And the following payment or reward is sanctioned:

.....]

[And as regards costs it is ordered that:

.....]

And it is directed that the Registrar General shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

[And it is further directed that the Registrar General shall cause the said entry in the Register of Births to be marked with the word " adopted "][3].

[And it is further directed that the Registrar General shall cause the previous entry in the Adopted Children Register relating to the infant to be marked with the word " re-adopted "][5].

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

Registrar.

SCHEDULE TO FORM NO. 5

Date[6] and country of birth of child	Name and surname of child[7]	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of court by which made

Notes:

[1] Enter name[s] and surname as shown in the heading of Form No. 1.

[2] Delete where there is no change of name or surname.

[3] Delete this entry—

(*a*) if the infant is not identified with a person whose birth is registered in the Registers of Births in England, Wales or Scotland, or in a Register of Births abroad kept by the Registrar General;

(*b*) if the infant has previously been adopted.

Where the infant is identified with a person whose birth is registered in any such register other than the Registers of Births in England or Wales, modify the entry accordingly.

[4] Delete " probable " where the precise date of the infant's birth is proved.

[5] Delete except where the infant has previously been adopted.

[6] Where a probable date of birth is specified in the body of the order, enter that date without qualification. If the infant is one of twins, include, if possible, the hour as well as the date of birth.

[7] Where there is a change, enter only the names by which the infant is to be known.

Rule 17

FORM No. 6

Interim Order in respect of an infant

[*General Title—Form* 1]

Seal

Application having been made by C.D., by occupation ..... resident at ..... and domiciled in England/Wales/Scotland, [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the Adoption Act, 1950, authorising him/her/them to adopt A.B. an infant, the child/adopted child of F.B./F.B. and G.B.;

And the said A.B. (hereinafter called the infant) being of the ..... sex, and never having been married;

And the applicant/one of the applicants

having attained the age of twenty-five years and being at least twenty-one years older than the infant/

having attained the age of twenty-one years and being a relative of the infant within the meaning of the said Act/

being the mother/father of the infant;

And all the consents required by the said Act being obtained or dispensed with;

It is ordered that the determination of the application be postponed, and the custody of the infant be given to the applicant/applicants for a period ending on the ..... 19 ....., by way of a probationary period, upon the following terms, namely .....
.....
and that the applicant/applicants shall at least two months before that date apply for the final determination of the application;

[And as regards costs it is ordered that .....
.....]

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

Registrar.

Rule 23

FORM No. 7

Notice of further hearing of an application for an adoption order in respect of an infant

[*General Title—Form* 1]

Seal

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

Whereas an application for an order under the Adoption Act, 1950, authorising the adoption of A.B.[1], an infant of the ..... sex born on the ..... 19....., was made [by C.D./C.D. and E.D.][2] *or* [under the serial number .....];

And whereas ..... of ..... was appointed 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 ..... 19.....

Take notice:

A. [3] [That the said application will be further heard before the judge on the ..... 19 ..... at the hour of ..... in the ..... noon and that you may appear to show cause why the adoption order should not be made.]

B. [3] [That if you wish to attend and show cause why the adoption order should not be made, you should give notice to the court on or before ..... 19 ....., in order that a date and time may be fixed for your attendance.]

The slip below should be completed and returned to the court.

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

Registrar.

Notes:

[1] Enter name[s] and surname as shown in the heading of Form No. 1.

[2] The name of the applicant must not be given where a serial number is specified in the originating application (entry No. 16) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.

[3] Paragraph A should be completed and paragraph 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 originating application, entry No. 16). Where a serial number is specified in that entry and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

..... Perforation .....

To the..... County Court.....

I have received notice of the further hearing of the application for an adoption order in respect of A.B. an infant.

(*a*) I do not wish to oppose the application

or

Delete (*a*) or (*b*)

(*b*) I wish to attend and show cause why the adoption order should not be made.

.....
(*Signature*)

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

FORM No. 8 Rule 23

Notice of further hearing of an application for an adoption order to be served on the applicant

[*General Title—Form* 1]

Seal

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

Whereas an application has been made by you for an order under the Adoption Act, 1950, authorising you to adopt the above-named infant;

And whereas the determination of the said application was postponed and an interim order was made by the judge on the ..... 19... ;

Take notice that the said application will be further heard before the judge on the ..... 19... at the hour of..... in the .....noon;

[And take notice that no order can be made unless the infant is present at the further hearing.][1]

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

Registrar.

Note:

[1] Delete except where the applicant has previously been served with a notice in Form No. 4 or where the judge otherwise directs.

Rule 7

SECOND SCHEDULE

ADDITIONAL MATTERS SUBJECT TO INVESTIGATION AND REPORT BY GUARDIAN AD LITEM

PART I

The applicants

1. In the case of a joint application, how long the applicants have been married.

2. In the case of an application by one only of two spouses—

(*a*) whether the other spouse consents to the application; and

(*b*) why he or she does not join in the application.

3. What other children (including adopted children) the applicants have.

4. What is the age and sex of all children living in the home of the applicants, and what is their relationship to the applicants.

5. What number of living rooms and bedrooms are contained in the home of the applicants, and what is the condition of the home.

6. What are the means of the applicants.

7. Whether either of the applicants suffers or has suffered from any serious illness, and whether there is any history of tuberculosis, epilepsy or mental illness in their families.

8. Whether any person specified in the originating application as a person to whom reference may be made is a responsible person and recommends the applicant without reservation.

9. Whether the applicants understand that an adoption order is irrevocable and that the order if made will render them responsible for the maintenance and upbringing of the infant.

PART II

The infant

10. Whether the infant has any right to or interest in any property.

11. Whether the infant (if of an age to understand the effect of an adoption order) wishes the order to be made.

12. Whether an order committing the infant to the care of a local authority as a fit person under the Children and Young Persons Act, 1933, or a resolution for the assumption by a local authority of parental rights, is in force in respect of the infant.

PART III

The parents

13. Whether the mother consents to the adoption and identifies the birth certificate (if any) attached to the notice of application as the birth certificate of the infant.

14. Whether, if the infant is legitimate, the father, or, if the infant is illegitimate, the person (if any) adjudged by an affiliation order to be the putative father, consents to the adoption.

15. Whether any person or body is liable by virtue of an order or agreement to contribute to the maintenance of the infant, and, if so, whether that person or body consents to the adoption.

16. When did the parent or parents part with the infant, and to whom.

17. What are the reasons of the parent or parents for consenting to the adoption, and whether his or their consent is given without pressure from other persons.

18. Whether the parent, or each of the parents, understands that an adoption order is irrevocable, and that the order if made will deprive him or her of all rights in respect of the maintenance and upbringing of the infant.

19. Where the originating application requests the judge to dispense with the consent of the parent, or either of the parents, on the ground that he or she cannot be found, what steps have been taken to trace him or her.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

The Adoption Act, 1950, consolidated and repealed the previous Adoption of Children Acts. The present Rules replace with amendments the Adoption of Children (County Court) Rules, 1949. Rule 5 now enables a county court to entertain a second application for an adoption order by the same applicant in respect of the same infant, although there has been no substantial change in the circumstances of the case, if the case was not dismissed on the merits at the previous hearing. Rule 9 empowers the judge, on an *ex parte* application, provisionally to dispense with service of notice of the proceedings where a request is made to dispense with the consent of the person required to be served. Other amendments in Rules 7, 9 and 10 secure that an infant of appropriate age and understanding will be informed of an application for an adoption order and of its nature and effect. In such a case the infant will no longer be made a respondent but notice requiring his attendance at the hearing will be served on the applicant. The Rules also enable the court to add as respondent any person who in its opinion should be so added and contain various consequential and minor amendments.