EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt makes provision for a procedural detail arising from section 4 of the Adoption Act, 1950, and extends for a further twenty years the period during which the records relating to an adoption are preserved as secret.

The Adoption of Children (High Court) Rules, 1950

1950 No. 80 (L. 1)

Made - - - -	*17th January*, 1950
Coming into Operation	*25th January*, 1950

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, by virtue of section 8 of the Adoption of Children Act, 1926(**a**), and section 14 of the Adoption of Children Act, 1949(**b**), and of all other powers enabling me in this behalf, hereby make the following rules for carrying those Acts into effect so far as they confer jurisdiction upon the High Court:—

Commencement of proceedings

1. All proceedings in the High Court under the Adoption of Children Acts, 1926 to 1949, shall be assigned to the Chancery Division and shall be part of the business to be disposed of in chambers under rule 2 of Order LV of the Rules of the Supreme Court, 1883.

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

3. If any person proposing to apply to the High Court for an adoption order desires that his identity shall be kept confidential, he may, before taking out an originating summons, apply to the Chief Master, Room 174, Royal Courts of Justice, Strand, London, W.C.2, for a serial number to be assigned to him for the purposes of the proposed application and such a number shall be assigned to him accordingly.

4. If it appears that the applicant has previously made an application for an adoption order to respect of the same infant, the application shall not be proceeded with unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application.

Appointment of guardian ad litem

5. Subject to the provisions of rule 6, the Official Solicitor shall, if he consents, be the guardian ad litem of the infant for the purposes of the application and a copy of the summons shall be served on him, together with an undertaking by the applicant in form 2 to pay the Official Solicitor's proper costs for acting as guardian and as solicitor for the infant. The Official Solicitor shall thereupon enter an appearance for the infant.

6. 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

(**a**) 16 & 17 Geo. 5. c. 29. (**b**) 12, 13 & 14 Geo. 6. c. 98.

ad litem and must be supported by an affidavit by the applicant setting out the facts and the judge may appoint such person as he thinks fit to be the guardian ad litem.

Evidence in support of application

7. The evidence in support of the application for an adoption order shall be given by means of a statement in form 3 and shall be verified by affidavit. Any document signifying the consent of any person to the making of the adoption order shall be in form 4 and shall be exhibited to the affidavit.

8. The evidence shall be filed within 14 days after the issue of the originating summons and a copy of the applicant's statement and of the documents attached thereto shall at the same time be served on the guardian ad litem.

Notice of application

9. The guardian ad litem shall, as soon as practicable after he has entered an appearance, serve a notice in form 5 on any parent or guardian of the infant who has signified his consent to the making of an adoption order.

Duties of guardian ad litem

10. 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 enquiries as to all matters alleged in the applicant's statement 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 mentioned in the applicant's statement as a person to whom reference may be made, or a person on whom notice of the application is required to be served under rule 13, or (where notice is required to be served on any local authority or other body) the appropriate officer of such authority or other body.

11. 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.

Hearing of application

12. The applicant shall obtain an appointment for the hearing of the application within 14 days after being notified by the guardian ad litem that he has made his report to the court. If no appointment is obtained by the applicant, the guardian ad litem shall obtain an appointment as soon as practicable for the hearing of the application.

13. On the application being adjourned to the judge, the guardian ad litem shall serve a notice in form 6 on the following persons (that is to say):—

(*a*) every person whose consent to the order is required under subsection (1) of section 3 of the Adoption of Children Act, 1949, or subsection (4) of section 2 of the Adoption of Children Act, 1926;

(*b*) the welfare authority; and

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

14. On the hearing of the application any person on whom notice is required to be served under rule 13 may appear before the judge to show cause why an adoption order should not be made. The welfare authority or an adoption society may be represented by any officer of the authority or society duly authorised in that behalf.

15. Unless the court is satisfied 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 person (other than the spouse of the applicant) whose consent to the order is required.

Form and transmission of orders

***16.** An adoption order shall be drawn up in form 7, and an interim order in form 8.

17. On the making of an adoption order, the Chief Registrar shall send a sealed copy of the order to the Registrar General and to the applicant within 7 days after the order has been passed and entered.

18. An adoption order, and any copy of such an 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, if any.

19. 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 order of the judge.

20. Where an adoption order is made or refused or an interim order made, the guardian ad litem shall notify all parties who were not present when the order was made or refused, without disclosing the identity of the applicant unless he does not desire his identity to be kept confidential.

Restoration of proceedings after interim order

21. Where the determination of an application is postponed and an interim order made the applicant shall, at least two months before the expiration of the period specified in the interim order, obtain an appointment for the further hearing of the application, and the guardian ad litem shall serve a notice in form 9 on every person on whom notice is required to be served under rule 13.

22. If no appointment is obtained by the applicant as required by rule 21, the guardian ad litem shall obtain an appointment as soon as practicable for the further hearing of the application.

Amendment of adoption orders

23. An order under subsection (8) of section 12 of the Adoption of Children Act, 1949, for the amendment of an adoption order, may be made ex parte.

24. Where an order for the amendment of an adoption order is made under subsection (8) of section 12 of the Adoption of Children Act, 1949, the Chief Registrar shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and of the adopted person (as described in the schedule to the adoption order) and stating what amendments are to be made in the particulars specified in that order.

*[Rule 16 revoked, *see* p. 282 below.

Local authority acting as guardian ad litem

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

Service of documents

26. 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.

27. For the purposes of subsection (3) of section 3 of the Adoption of Children Act, 1949, 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 territory, by any person for the time being authorised by law in that place to administer an oath for any judicial or other legal purpose ;

(*c*) if the document or declaration is executed or made at any other place, by any consular officer of His Majesty's government in the United Kingdom or, if there is no such consular officer, 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 His Majesty's naval, military or air forces, by any officer holding a commission in any of those forces.

Applications under Adoption of Children Act, 1949, *s.* 3 (4)

28. An application under subsection (4) of section 3 of the Adoption of Children Act, 1949, for leave to remove the infant from the care and possession of the applicant shall be made to the judge, and notice thereof shall be served on the guardian ad litem.

29. 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 of Children Act, 1949, the judge may, upon granting leave, dismiss the application for the adoption order.

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

Application of practice of Chancery Division

30. Subject to these rules, the practice and procedure of the Chancery Division shall apply to proceedings under the Adoption of Children Acts, 1926 to 1949.

Interpretation

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

"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 of Children Act, 1926;

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

"the welfare authority" means the welfare authority to whom notice of intention to apply for an adoption order has been given pursuant to subsection (1) of section 5 of the Adoption of Children Act, 1949.

32. A form referred to by number means the form so numbered in the First Schedule to these rules.

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

Revocation

34. The Adoption of Children (High Court) Rules, 1926(b), are hereby revoked.

35. Notwithstanding anything in these rules, any application for an adoption order which is pending at the date of the commencement of these rules may, so far as consistent with the provisions of the Adoption of Children Act, 1949, be proceeded with and determined in accordance with the rules in force immediately before that date.

Citation and commencement

36. These rules may be cited as the Adoption of Children (High Court) Rules, 1950.

37. These rules shall come into force on the twenty-fifth day of January, nineteen hundred and fifty.

Dated the 17th day of January, 1950.

Jowitt, C.

FIRST SCHEDULE

FORM 1 Rule 2

Originating summons on application for an adoption order

19 , No.

In the High Court of Justice,
Chancery Division.
Mr. Justice

IN THE MATTER OF A.B. [1] .....an infant,

and

In THE MATTER OF the Adoption of Children Acts, 1926 to 1949.

Let of within eight days after service of this summons, inclusive of the day of such service, cause an appearance to

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1926 (No. 1615) p. 17.

be entered for him to this summons which is issued upon the application of.....of..... for an order:—

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

2. That the applicant be authorised to adopt the said .....

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

Dated the day of 19 .

This summons was taken out by

of , solicitor for the above-named .....

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

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

Notes:

[1] Enter the first name(s) and surname as shown in the birth certificate, if available; otherwise enter name(s) and surname by which the infant was known before being placed for adoption.

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

Rule 5 FORM 2

Undertaking to pay costs of Official Solicitor when acting as guardian ad litem

[*Heading as in form* 1]

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

Dated the day of 19 .

Signed.....[3].

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

Notes:

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

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

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

Rule 7 FORM 3

Statement in support of application for an adoption order[1]

[*Heading as in form* 1]

1. I, the undersigned, C.D./We, the undersigned, C.D. and E.D. desire to adopt A.B.[2], an infant, under the Adoption of Children Acts, 1926 to 1949.

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

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[3] relates/was born on or about the ..... 19...., in .....[4]

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

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

G.B. of ..... /whose last known address was ..... /deceased][5]

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

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

8. I/We attach a document/documents signifying the consent of the said .....[8] 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..... .....[9] 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.][10]

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.....][11]

16. I/We desire that my/our identity should be kept confidential, and the serial number of this application is.....] [12] *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 statement.

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 3

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

[2] Enter the first name[s] and surname as shown in the birth certificate referred to in paragraph 4, if available; otherwise enter name[s] and surname by which the infant was known before being placed for adoption.

[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 Birth; and the particulars given in paragraph 5 should relate to the parent or parents by adoption and not to the natural parent or parents.

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

[5] If the infant is illegitimate, the father's name should not be given in this entry; but see paragraph 7.

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

[7] If the infant is illegitimate, enter the name of any person known to the applicant who has been adjudged by an affiliation order to be the putative father of the infant or who has acknowledged himself to be the father of the infant and agreed to contribute to his or her maintenance.

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

[9] This paragraph 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 subsection (1) of s. 3 of the Adoption of Children Act, 1949, and subsection (4) of s. 2 of the Adoption of Children Act, 1926, as to the grounds on which consent may be dispensed with.

[10] This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by s. 13 of the Adoption of Children Act, 1949.

[11] This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by s. 13 of the Adoption of Children Act, 1949. Where it is completed more than one referee may be named if desired.

[12] If the applicant wishes his name to be kept confidential, insert serial number obtained in pursuance of rule 3 of the Adoption of Children (High Court) Rules, 1950.

FORM 4 Rule 7

Consent to an adoption order in respect of an infant named A.B.[1]

[*Heading as in form* 1]

Whereas an application is to be made [by C.D./C.D. and E.D.] [2] *or* [under the serial number.....];

[Whereas the said A.B. (hereinafter called the infant) is not less than six weeks old, having been born in.....on the.....19...., 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 liable by virtue of any order or agreement 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*)[6].....

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 (High Court) Rules, 1950, 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 the 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 (High Court) Rules, 1950—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 27 of the Adoption of Children (High Court) Rules, 1950, has the same effect as attestation by a justice of the peace.

Rule 9 FORM 5

Notice of application for an adoption order in respect of an infant named A.B.[1]

[*Heading as in form* 1]

To.....of.....[2]

Whereas an application has been made [by C.D./C.D. and E.D.] [3] *or* [under the serial number.....];

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

Take notice that while the said application is pending, you must not, except with the leave of the judge, remove the infant from the care and possession of the applicant. Application for such leave may be made to the judge. Room 174, Royal Courts of Justice, Strand, London, W.C.2.

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

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

Notes:

[1] Enter the name[s] and surname as shown in the heading of form 1.

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

[3] The name of the applicant must not be given where a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

FORM 6 Rule 13

Notice of hearing of application for an adoption order in respect of an infant named A.B. [1]

[*Heading as in form* 1]

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

Whereas an application has been made [by C.D./C.D. and E.D.] [2] *or* [under the serial number.....];

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

Take notice:

A. [3] [That the said application will be heard at the Royal Courts of Justice, Strand, London, W.C.2, on the.....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 do not consent to the making of the order, you should notify me on or before.....19...., in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose.]

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

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

Notes:

[1] Enter the name[s] and surname as shown in the heading of form 1

[2] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

[3] Form A should be completed and form B struck out where the notice is addressed to a local authority, an adoption society or any other body of persons, or where the applicant does not desire his identity to be kept confidential (see form 3, paragraph 16). Where a serial number is specified in that paragraph and the notice is addressed to an individual, form A must be struck out and form B completed.

..... Perforation .....

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

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

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

(*a*) I consent to the making of this order.

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

(*b*) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

....

(*Signature*)

....

(*Date*) (*Address*)

Rule 16 FORM 7*

Adoption order in respect of an infant

[*Heading as in form* 1]

Application having been made by C.D., by occupation ..... resident at ..... and domiciled in England/Wales [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the Adoption of Children Acts, 1926 to 1949, 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 Acts/

being the mother/father of the infant;

[And the names by which the infant is to be known being P.D.][1]

[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][2];

And the [probable][3] 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][4];

And all the consents required by the said Acts 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 "][2].

[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 "][4].

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

* Form 7 revoked, *see* p. 282 below.

SCHEDULE TO FORM 7

Date[5] and country of birth of child	Name and surname of child[6]	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] Delete where there is no change of name.

[2] 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.

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

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

[5] 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.

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

FORM 8* Rule 16

Interim order in respect of an infant

[*Heading as in form* 1]

Application having been made by C.D., by occupation ..... resident at ..... and domiciled in England/Wales, [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the Adoption of Children Acts, 1926 to 1949, 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;

* Form 8 revoked, *see* p. 282 below.

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 Acts/

being the mother/father of the infant;

And all the consents required by the said Acts 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.....

Rule 21 FORM 9

Notice of further hearing of application for an adoption order in respect of an infant named A.B. [1]

[*Heading as in form* 1]

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

Whereas an application has been made [by C.D./C.D. and E.D.][2] *or* [under the serial number .....];

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

And whereas the determination of the said application was postponed and an interim order was made by the judge on the ..... 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 ..... 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 do not consent to the making of the order, you should notify me on or before ..... 19....., in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose.]

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

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

Notes:

[1] Enter name[s] and surname as shown in the heading of form 1.

[2] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

[3] Form A should be completed and form B struck out where the notice is addressed to a local authority, an adoption society or any other body of persons or where the applicant does not desire his identity to be kept confidential (see form 3, paragraph 16). Where a serial number is specified in that paragraph and the notice is addressed to an individual form A must be struck out and form B completed.

..... Perforation .....

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

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

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

(*a*) I consent to the making of this order.

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

(*b*) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(*Signature*).....

....

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

SECOND SCHEDULE

Rule 10

ADDITIONAL MATTERS SUBJECT TO INVESTIGATION AND REPORT BY GUARDIAN AD LITEM

PART I

The applicant

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 applicant has.

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

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

6. What are the means of the applicant.

7. Whether the applicant suffers or has suffered from any serious illness, and whether there is any history of tuberculosis, epilepsy or mental illness in his or her family.

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

9. Whether the applicant understands that an adoption order is irrevocable and that the order if made will render him or her 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 applicant's statement as the birth certificate of the infant.

14. Whether the father consents to the adoption.

15. If the infant is illegitimate, whether an affiliation order has been made against any person adjudged to be the putative father of the infant, or an agreement to contribute to the maintenance of the infant has been made by a person acknowledging himself to be the father of the infant, and in either case whether that person 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 applicant's statement 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.

The Adoption of Children (High Court) (Amendment) Rules, 1950

1950 No. 346 (L. 6)

Made - - - - 13*th March*, 1950
Coming into Operation 20*th March*, 1950

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, by virtue of section 8 of the Adoption of Children Act, 1926(**a**) and section 14 of the Adoption of Children Act, 1949(**b**), and of all other powers enabling me in this behalf, hereby make the following Rules for carrying those Acts into effect so far as they confer jurisdiction upon the High Court:—

1. Rule 16 of the Adoption of Children (High Court) Rules, 1950(**c**) (hereinafter called "the principal Rules") and Forms 7 and 8 in the First Schedule to those Rules shall be revoked.

(**a**) 16 & 17 Geo. 5. c. 29. (**b**) 12, 13 & 14 Geo. 6. c. 98. (**c**) S.I. 1950 No. 80, p. 267 above.