1952 No. 554 (L. 4)

The Adoption of Children (Summary Jurisdiction) Rules, 1952

Made - - - - 14*th March*, 1952
Coming into Operation 1*st May*, 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), hereby make the following Rules:—

1. In Rule 5 of the principal Rules (which provides that if it appears that the applicant for an adoption order has previously made an application for such an order in respect of the same infant to a court of summary jurisdiction, the court shall not entertain the application unless it is satisfied that there has been a substantial change in the circumstances since the previous application), after the words "for such an order to a court of summary jurisdiction", there shall be inserted the words "and that that court, after having heard the case, dismissed the application on its merits".

2. In Rule 7 of the principal Rules (which specifies the duties of the guardian ad litem of the infant in an application for adoption), after paragraph (*b*), there shall be inserted the following paragraph, that is to say:—

"(*bb*) to satisfy himself 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, to find out whether he has been informed of the application and of the said effect, and if he has not been, to inform him thereof;".

3. For Rule 9 of the principal Rules (which relates to fixing a date and time for the hearing of an application for an adoption order and to the issue of notices, in the form numbered 3 in the First Schedule to the Rules, to certain persons, referred to in the Rules as respondents, including the infant unless the court is of opinion that he is not of an age to understand the effect of an adoption order) there shall be substituted the following Rules, that is to say:—

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

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

(*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 Regulation shall be a respondent to the application.

9A. Where the court is satisfied that the guardian ad litem has carried out his duties under paragraph (*bb*) of Rule 7 of these Rules it shall, unless

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

it is of opinion that the infant is not of an age to understand the effect of an adoption order, issue a notice in the form numbered 3A in the First Schedule to these Rules to the infant, and where such a notice is issued under this Rule the infant shall be a respondent to the application.".

4. In Rule 36 of the principal Rules (which defines certain expressions used in the principal Rules) the definition of " the welfare authority " is hereby revoked.

5.—(1) At the end of paragraph (*b*) of Rule 22 of the principal Rules (which paragraph requires the court, where the determination of an application for an adoption order is postponed and an interim order made, to fix a time for the further hearing of the application and to issue to every respondent a notice in the form numbered 6 in the First Schedule to the Rules), there shall be added the words " or, in the case of the infant, in the form numbered 6A in the said Schedule ".

(2) For the form numbered 3 in the First Schedule to the principal Rules (being the form of notice of an application for an adoption order to be served on the respondents to the application) there shall be substituted the forms set out in the First Schedule to these Rules.

(3) For the form numbered 6 in the First Schedule to the principal Rules (being a form of notice of further hearing of an application for an adoption order, after an interim order has been made, to be served on the respondents to the application) there shall be substituted the forms set out in the Second Schedule to these Rules.

6. In these Rules the expression " the principal Rules " means the Adoption of Children (Summary Jurisdiction) Rules, 1949(a).

7. These Rules may be cited as the Adoption of Children (Summary Jurisdiction) Rules, 1952, and shall come into operation on the first day of May, nineteen hundred and fifty-two.

Dated this fourteenth day of March, 1952.

Simonds, C.

Rules 3 and 5 (2)

FIRST SCHEDULE

Rule 9

FORM No. 3

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

In the [County of .....

Petty Sessional Division of .....].

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 ;

(a) S.I. 1949/2397; 1949 I, p. 15.

Take notice:

A.[3] [That the said application will be heard before the Juvenile Court sitting 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 Court, remove the infant from the care and possession of the applicant[s]. Application for such leave may be made in person to the justices of the Juvenile Court sitting at ..... on any ..... day at the hour of ..... in the ..... noon.][4]

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

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

(*Signature*) ..... (L.S.)
Justice of the Peace for the [County] aforesaid.

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 statement of 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 must 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 statement of 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 Juvenile Court for the [County of .....
Petty Sessional Division of .....].

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.

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

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

....
(*Signature*)

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

Rule 9A

FORM NO. 3A

Notice of application for an adoption order to be served on the infant

In the [County of .....

Petty Sessional Division of .....].

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

Whereas an application for an order under the Adoption Act, 1950, authorising your adoption has been made by C.D./C.D. and E.D.;

And whereas ..... of ..... has been appointed your guardian ad litem;

Take notice that the said application will be heard before the Juvenile Court sitting at ..... on the ..... 19..... at the hour of ..... in the ..... noon. No order can be made unless you attend personally.

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

(*Signature*) ..... (L.S.)

Justice of the Peace for the [County] aforesaid.

Rule 5 (1) and (3)

SECOND SCHEDULE

Rule 22

FORM NO. 6

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

In the [County of .....

Petty Sessional Division of .....].

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 Juvenile Court sitting at..... on the.....19.....;

Take notice:

A. [3][That the said application will be further heard before the Juvenile Court sitting 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.]

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

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

(*Signature*) ..... (L.S.)

Justice of the Peace for the [County] aforesaid.

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 statement of 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 must 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 statement of 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 Juvenile Court for the [County of .....

Petty Sessional Division of .....].

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

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

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

or

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

....

(*Signature*)

....

(*Date*) (*Address*)

Rule 22 FORM NO. 6A

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

In the [County of .....

Petty Sessional Division of .....].

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

Whereas an application for an order under the Adoption Act, 1950, authorising your adoption was made by C.D./C.D. and E.D.;

And whereas ..... of ..... was appointed your guardian ad litem;

And whereas the determination of the said application was postponed and an interim order was made by the Juvenile Court sitting at ..... on the ..... 19.....;

Take notice that the said application will be further heard before the Juvenile Court sitting at.....on the..... 19..... at the hour of ..... in the .....noon. No order can be made unless you attend personally.

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

(*Signature*) ..... (L.S.)

Justice of the Peace for the [County] aforesaid.

EXPLANATORY NOTE

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

These Rules amend the Adoption of Children (Summary Jurisdiction) Rules, 1949. Rule 1 enables a court of summary jurisdiction 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 merits at the previous hearing. The amendments made by Rules 2 and 3 secure that an infant will have been informed of an application for an adoption order and of the nature and effect of an order before being served with the formal notice, and enable the court to add as respondent any person who in its opinion should be so added. Rule 4 is a drafting consequential. Rule 5 provides for new forms of notice appropriate to the rules as amended and for service on the infant when a respondent.

1952 No. 496 (S. 16)

The Approved Schools (Contributions by Education Authorities) (Scotland) Regulations, 1952

Made - - - -	10*th March*, 1952
Coming into Operation	1*st April*, 1952

In the exercise of the power conferred upon me by subsection (1) of section 94 of the Children and Young Persons (Scotland) Act, 1937(**a**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Rate of Contribution

1. The contribution payable by an education authority named in an approved school order in terms of subsection (1) of section 94 of the Children and Young Persons (Scotland) Act, 1937, to the expenses of the managers of an approved school in respect of the person to whom the order relates shall, for the week beginning on 1st April, 1952, and subsequent weeks, notwithstanding anything in the Approved Schools (Contributions) (Scotland) Regulations, 1947(**b**), be at the rate of fifty shillings per week during the time he is under the care of the said managers, so however that no contribution shall be payable in respect of any period during which he is out on licence or out under supervision.

Interpretation

2.—(1) The Interpretation Act, 1889(**c**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations references to any regulation shall be construed as references to that regulation as amended by any subsequent regulation.

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 37. (**b**) S.R. & O. 1947/489; Rev. III, p. 813; 1947 I, p. 207.
(**c**) 52 & 53 Vict. c. 63.