1974. No. 111

COUNTY COURTS

County Courts (Adoption) (Amendment) Rules (Northern Ireland) 1974

Made	*6th June* 1974
Coming into operation	*1st August* 1974
To be laid before Parliament	

RULES, DATED 6TH JUNE 1974, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

In pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(a) upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, I hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the County Court (Adoption) (Amendment) Rules (Northern Ireland) 1974 and shall come into operation on 1st August 1974.

Amendment of Principal Rules

2. The provisions of the County Court (Adoption) Rules (Northern Ireland) 1969(b) specified in the first column of the Schedule are amended to the extent specified in the second column thereof.

Transitional provision

3. The amendments to the said Rules of 1969 made by these Rules shall not affect any step or proceedings complying with the Adoption Act (Northern Ireland) 1967(c) and the said Rules of 1969 made or instituted before the coming into operation of these Rules and such step or proceeding shall be treated as if it were taken or commenced in accordance with the said Rules of 1969 as amended by these Rules.

Revocation

4. Paragraph 5(c) of the County Court (Adoption) (Amendment) Rules (Northern Ireland) 1970(d) is hereby revoked.

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office
6th June 1974.

(a) 1959. c. 25.
(b) S.R. & O. (N.I.) 1969, No. 279.
(c) 1967. c. 35 (N.I.).
(d) S.R. & O. (N.I.) 1970, No. 339.

SCHEDULE

Amendment to the County Court (Adoption) Rules (Northern Ireland) 1969

Provision of Rules amended	*Amendment*
Rule 4	After paragraph (*b*) there shall be inserted the following paragraph:— "(*bb*) "area board" means the Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972 for the area in which the petitioner is, or was at the relevant time, resident;".
Rules 5 and 29	For the words "a welfare authority" there shall be substituted the words "an area board".
Rules 8, 9, 10 and 12	For the words "welfare authority" there shall be substituted the words "area board".
Schedule Form 1	For the words "welfare authority" where they thrice occur there shall be substituted the words "Health and Social Services Board".
Form 2	In paragraph 17 of the petition for the words "the Welfare Authority" there shall be substituted the words "the Health and Social Services Board". At the end of the Form for the words— "And let the Welfare Authority for the area of be appointed guardian *ad litem* for the said infant." there shall be substituted the words— "And let the Health and Social Services Board (being the Area Board in whose area the petitioner(s) are resident) be appointed guardian *ad litem* for the said infant."
Form 7	In note 4 of the list of the persons to be served for the words "welfare authority" where they twice occur there shall be substituted the words "Health and Social Services Board".
Form 8	For the words "the Welfare Authority" where they thrice occur there shall be substituted the words "the Health and Social Services Board" and for the words "said Authority" there shall be substituted the words "said Area Board".
Form 11	For the words "The Welfare Authority" there shall be substituted the words "The Health and Social Services Board".
Form 12	In the parenthesis in the last italicised instructions for the words "welfare authority" there shall be substituted "Health and Social Services Board".

Provision of Rules amended	*Amendment*
Form 13	For Form 13 there shall be substituted the following:—

"FORM 13 Rule 24(1)

Adoption Order
[*Title as in Form* 8]

UPON READING the petition of C.D. (*description*) of in the County [Borough] of [and E.F. of the same address], and the verifying affidavit and the exhibits thereto*, viz.—

(*a*) a copy of the notice served on the Health and Social Services Board under section 3(1)(*b*) of the Adoption Act (Northern Ireland) 1967;
(*b*) the consent of the parent(s) [*or* guardian(s)] of the infant;
(*c*) a statutory declaration by the husband/wife of the petitioner signifying his/her consent to the making of an adoption order in respect of the infant;
(*d*) the marriage certificate of the petitioners;
(*e*) the birth certificate of the infant [*or* a certified copy of the entry relating to the infant in the Adopted Children Register];
(*f*) the certificate of a fully registered medical practitioner as to the health of the petitioner(s).

AND UPON READING the Affidavit of service of
and the Affidavits of
and
and the Report of [the Health and Social Services Board for the area of]
as guardian *ad litem;*

IT IS ORDERED that the appointment of the said guardian *ad litem* be and the same is hereby confirmed;

AND IT APPEARING [that the statutory notice was served upon the said Board on the day of 19 , and] that a copy of the petition [*or* notice of hearing] has been served upon

AND UPON HEARING Mr. , Solicitor for the petitioner(s) and the evidence of

[AND THE COURT BEING SATISFIED THAT

IT IS ORDERED that the consent of
be and the same is hereby dispensed with;]

AND THE COURT BEING FURTHER SATISFIED that the petitioner is [*or* the petitioners are] qualified in accordance with the provisions of the Adoption Act (Northern Ireland) 1967 to be granted an Adoption Order, that all the conditions precedent to the making of such an order have been fulfilled, and that such an order will be for the welfare of the infant;

* Delete items which are inapplicable.

Provision of Rules amended	*Amendment*
	AND THE COURT BEING FURTHER SATISFIED with the undertaking of the said petitioner(s) as to the provision to be made for the infant [and with the securing thereof] [and sanctioning the following payment or reward]; IT IS ORDERED that the petitioner(s) be authorised to adopt the said infant. [AND WHEREAS the precise date of the infant's birth has not been proved to the satisfaction of the Court but the Court has determined the probable date of his/her birth to be the day of 19 .] [AND WHEREAS the country of the birth of the infant has not been proved to the satisfaction of the Court [but it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man].] [AND WHEREAS the infant was born in Northern Ireland but the district of the Registrar of Births and Deaths in which the birth took place has not been proved to the satisfaction of the Court.] [AND WHEREAS it has been proved to the satisfaction of the Court that the infant is identical with to whom the entry numbered and made on the day of 19 , in the Register of Births of the [*district of the Registrar of Births and Deaths of] relates [*or* with to whom the entry numbered and dated the day of 19 , in the Adopted Children Register maintained by the Registrar General for relates].] AND WHEREAS the name or names and surname stated in the petition as those by which the infant is to be known are IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this Order and, subject to section 24 of the Adoption Act (Northern Ireland) 1967, the district of the infant's birth. [AND IT IS FURTHER DIRECTED that the Registrar General shall cause the aforesaid entry in the Register of Births [*or* Adopted Children Register] to be marked with the word "Adopted" [*or* "Re-adopted"].] Dated this day of 19 . (*Seal*) Clerk of the Crown and Peace.

* Or where birth was registered elsewhere in the United Kingdom, the Channel Islands or the Isle of Man complete according to exact particulars in entry.

Provision of Rules amended	*Amendment*

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

For Form 14 there shall be substituted the following:— "

Form 14

"FORM 14 Rule 24(2)

Provisional Adoption Order
[*Title as in Form* 8]

UPON READING the petition of C.D. (*description*) of in the County [Borough] of and of E.F. of the same address] and the verifying affidavit and exhibits thereto*, viz.—

(*a*) a copy of the notice served on the Health and Social Services Board under section 3(1)(*b*) of the Adoption Act (Northern Ireland) 1967;

(*b*) the consent of the parent(s) [*or* guardian(s)] of the infant;

(*c*) a statutory declaration by the husband/wife of the petitioner signifying his/her consent to the making of a provisional adoption order in respect of the infant;

*Delete items which are inapplicable.

Provision of Rules amended	*Amendment*
	(*d*) the marriage certificate of the petitioners; (*e*) the birth certificate of the infant [*or* a certified copy of the entry relating to the infant in the Adopted Children Register]; (*f*) the certificate of a fully registered medical practitioner as to the health of the petitioner(s); (*g*) an affidavit as to the law of or within (state country or state or province in which the petitioner(s) is/are domiciled) sworn by a person who is conversant with that law and who practises [*or* has practised] as a barrister [or advocate] in that country [*or* and who is a duly accredited representative of the government of that country in the United Kingdom]. AND UPON READING the Affidavit of service of and the Affidavits of and the Report of the [Health and Social Services Board for the area of] as guardian *ad litem;* IT IS ORDERED that the appointment of the said guardian *ad litem* be and the same is hereby confirmed; AND IT APPEARING [that the statutory notice was served upon the said Board on the day of 19 , and] that a copy of the petition [*or* notice of hearing] has been served upon AND UPON HEARING Mr. , Solicitor for the petitioner(s) and the evidence of [AND THE COURT BEING SATISFIED THAT IT IS ORDERED that the consent of be and the same is hereby dispensed with;] AND THE COURT BEING [FURTHER] SATISFIED that the petitioner is [*or* the petitioners are] qualified in accordance with the provisions of the Adoption Act (Northern Ireland) 1967 to be granted a Provisional Adoption Order, that all the conditions precedent to the making of such an order have been fulfilled, and that such an order will be for the welfare of the infant; AND THE COURT BEING FURTHER SATISFIED with the undertaking of the said petitioner(s) as to the provision to be made for the infant [and with the securing thereof] [and sanctioning the following payment or reward].

Provision of Rules amended	*Amendment*
	IT IS ORDERED that the petitioner(s) be authorised to remove the infant from Northern Ireland for the purpose of adopting him/her under the law of or within the Country namely in which the petitioner is [*or* the petitioners are] domiciled and that the petitioner(s) do have the custody of the infant pending his/her adoption as aforesaid. [AND WHEREAS the precise date of the infant's birth has not been proved to the satisfaction of the Court but the Court has determined the probable date of his/her birth to be the day of 19 .] [AND WHEREAS the Country of birth of the infant has not been proved to the satisfaction of the Court [but it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man].] [AND WHEREAS the infant was born in Northern Ireland but the district of the Registrar of Births and Deaths in which the birth took place has not been proved to the satisfaction of the Court.] [AND WHEREAS it has been proved to the satisfaction of the Court that the infant is identical with to whom the entry numbered and made on the day of 19 , in the Register of Births of the [*district of the Registrar of Births and Deaths of] relates [*or* with to whom the entry numbered and dated the day of 19 , in the Adopted Children Register maintained by the Registrar General for relates].] AND WHEREAS the name or names and surname stated in the petition as those by which the infant is to be known are IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this Order and, subject to section 24 of the Adoption Act (Northern Ireland) 1967, the district of the infant's birth. [AND IT IS FURTHER DIRECTED that the Registrar General shall cause the aforesaid entry in the Register of Births [*or* Adopted Children Register] to be marked with the words "Provisionally Adopted" [*or* "Provisionally Re-adopted"].] Dated this day of 19 . (*Seal*) Clerk of the Crown and Peace.

* Or where birth was registered elsewhere in the United Kingdom, the Channel Islands or the Isle of Man complete according to exact particulars in entry.

Provision of Rules amended	*Amendment*

Date and country of birth of child	*Name and surname of child*	*Sex of child*	*Name and surname, address and occupation of adopter or adopters*	*Date of adoption order and description of court by which made*
				Provisional order made on the

EXPLANATORY NOTE

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

These Rules amend the County Court (Adoption) Rules (Northern Ireland) 1969.

The amendments take account of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972 No. 1265 (N.I. 14)) and the Departments (Transfer of Functions) Order (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973, No. 504) whereby the functions of the Ministry of Home Affairs became those of the Department of Health and Social Services. The functions of the latter are, in consequence of directions made by the Ministry of Home Affairs under Article 17 of the 1972 Order dated 24th September 1973 (referred to in the Belfast Gazette dated 28th September 1973 on page 635) now discharged by Health and Social Services Boards. Under Article 9(3) of the 1973 Order those directions are continued in force as if they had been duly made by the Department of Health and Social Services.

The Rules also amend the prescribed Forms of Adoption Order to take into account the coming into operation of the Births, Deaths and Marriages Registration (Northern Ireland) Order 1973 (S.I. 1973 No. 600 (N.I. 8)).