STATUTORY INSTRUMENTS

# 1981 No. 1842 (L.23)

# MAGISTRATES' COURTS

## The Magistrates' Courts (Adoption) (Amendment) Rules 1981

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| *Made* - - - - | 21*st December* 1981 |
| *Laid before Parliament* | 6*th January* 1982 |
| *Coming into Operation* | 15*th February* 1982 |

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(**a**), as extended by section 145 of that Act and section 9 of the Adoption Act 1958 (**b**), after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

**1.**—(1) These Rules may be cited as the Magistrates' Courts (Adoption) (Amendment) Rules 1981 and shall come into operation on 15th February 1982.

(2) These Rules shall not apply in relation to an application made before 15th February 1982 for an adoption order.

**2.** In these Rules "the principal Rules" means the Magistrates' Courts (Adoption) Rules 1976 (**c**).

**3.** In every reference to a registered adoption society in the principal Rules (that is to say, in Rule 33(*b*)(iii) and in Forms 15 and 16 in Schedule 1) the word "registered" shall be omitted.

**4.** For every reference to an adoption agency in the principal Rules (that is to say, in Forms 9, 10 and 13 in Schedule 1) there shall be substituted a reference to an adoption society.

**5.** Form 1 in Schedule 1 to the principal Rules shall be amended—

(*a*) by inserting "(13A)" after the word "by" in paragraph 20 and after the word "except" in paragraph 25 and by the addition after note (13) of the following—

"(13A) It is an offence for a person other than an adoption society or local authority to make arrangements for the adoption of a child or place a child for adoption unless the proposed adopter is a relative of the child (as defined in section 57(1) of the Adoption Act

(**a**) 1980 c. 43.
(**b**) 1958 c. 5 (7 & 8 Eliz. 2); section 9 was amended by the Children Act 1975 (c. 72), section 108(1) and Schedule 3, paragraph 22, and by the Magistrates' Courts Act 1980, section 154(1) and Schedule 7, paragraph 25.
(**c**) S.I. 1976/1768, amended by S.I. 1979/1222.

1958, as amended) or unless he is acting pursuant to an order of the High Court. It is also an offence for a person to receive a child placed with him in contravention of this prohibition. The maximum penalties for these offences are 3 months' imprisonment or a fine of £400 or both.";

(*b*) by inserting in note (17) after the word "adoption" in the second place where it occurs the words "and payment by an adoption society or local authority in accordance with a scheme approved under section 50(4) of the Adoption Act 1958 (inserted by section 32 of the Children Act 1975)".

Dated 21st December 1981. *Hailsham of St. Marylebone,* C.

## EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Magistrates' Courts (Adoption) Rules 1976 in consequence of sections 4, 5, 6 and 7 of the Children Act 1975 (which provide for approval by the Secretary of State of adoption societies, in place of registration), section 28 of that Act (which amends section 29 of the Adoption Act 1958 to impose a restriction on arranging adoption and the placing and receiving of children) and section 32 of that Act (which amends section 50 of the Adoption Act 1958 so as to permit in certain circumstances the payment of allowances to adopters), which come into force on 15th February 1982 (S.I. 1981/1792); and, in those Rules, substitute references to an adoption society for references to an adoption agency.

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