



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 3

#### MISCELLANEOUS AND FINAL PROVISIONS

### CHAPTER 2

#### FINAL PROVISIONS

#### **141 Rules of procedure**

- (1) The Lord Chancellor may make rules in respect of any matter to be prescribed by rules made by virtue of this Act and dealing generally with all matters of procedure.
- (2) Subsection (1) does not apply in relation to proceedings before magistrates' courts, but the power to make rules conferred by section 144 of the Magistrates' Courts Act 1980 (c. 43) includes power to make provision in respect of any of the matters mentioned in that subsection.
- (3) In the case of an application for a placement order, for the variation or revocation of such an order, or for an adoption order, the rules must require any person mentioned in subsection (4) to be notified—
  - (a) of the date and place where the application will be heard, and
  - (b) of the fact that, unless the person wishes or the court requires, the person need not attend.
- (4) The persons referred to in subsection (3) are—
  - (a) in the case of a placement order, every person who can be found whose consent to the making of the order is required under subsection (3)(a) of section 21 (or would be required but for subsection (3)(b) of that section) or, if no such person can be found, any relative prescribed by rules who can be found,
  - (b) in the case of a variation or revocation of a placement order, every person who can be found whose consent to the making of the placement order was

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*Status: This is the original version (as it was originally enacted).*

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required under subsection (3)(a) of section 21 (or would have been required but for subsection (3)(b) of that section),

- (c) in the case of an adoption order—
  - (i) every person who can be found whose consent to the making of the order is required under subsection (2)(a) of section 47 (or would be required but for subsection (2)(c) of that section) or, if no such person can be found, any relative prescribed by rules who can be found,
  - (ii) every person who has consented to the making of the order under section 20 (and has not withdrawn the consent) unless he has given a notice under subsection (4)(a) of that section which has effect,
  - (iii) every person who, if leave were given under section 47(5), would be entitled to oppose the making of the order.
- (5) Rules made in respect of magistrates' courts may provide—
  - (a) for enabling any fact tending to establish the identity of a child with a child to whom a document relates to be proved by affidavit, and
  - (b) for excluding or restricting in relation to any facts that may be so proved the power of a justice of the peace to compel the attendance of witnesses.