

1966 No. 1621 (S. 130)

CHILDREN AND YOUNG PERSONS

Act of Sederunt (Adoption of Children Amendment) 1966

Made - - - 20th December 1966
Coming into Operation 18th January 1967

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 11 of the Adoption Act 1958(a) and by section 54 of the Children and Young Persons Act 1963(b) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. The Act of Sederunt (Adoption of Children) 1959(c) is hereby amended as follows:—

(1) In paragraph 6 thereof, by adding at the end the following sub-paragraphs:—

- “(m) Why the petitioner wishes to adopt the infant;
- “(n) the petitioner’s religious persuasion, if any;
- “(o) The considerations arising from the difference in age between the petitioner and the infant if such difference is less than the normal difference in age between parents and their children;
- “(p) Such other questions or matters, including an assessment of the petitioner’s personality and, where appropriate, that of the infant, as have a bearing on the mutual suitability of the petitioner and the infant for the relationship created by adoption, and on the ability of the petitioner to bring up the infant”.

(2) In paragraph 11 thereof,

- (a) by deleting the word “and” occurring after the words “for an Adoption Order”, and by substituting a comma therefor;
- (b) by adding after the words “paragraphs 16 or 17 hereof” the words “or in a Minute lodged in terms of paragraph 17(a) hereof”.

(3) In paragraph 15 thereof,

- (a) by deleting the words “paragraph 13” and “paragraph 15” and by substituting therefor the words “paragraph 14” and “paragraph 16” respectively;
- (b) by deleting the full stop at the end, by substituting therefor a comma, and by adding the following:—
“and in particular by authority of the said Court to another Court, a public authority or an administrative board (whether within the United Kingdom or not) having powers to authorise an adoption, which has in such petition requested that information be made available from the process for the purpose of the discharge of its duties in considering an application for adoption or provisional adoption, or (iii) to a person who is authorised in writing by the Secretary of State to obtain information from the process for the purposes of such research as is designed to improve the working of adoption law and practice.”

(4) By numbering the existing paragraph 17 thereof as 17(a), and adding a new sub-paragraph of paragraph 17 as follows:—

- “(b) Any application under section 34 of the Act for leave to remove the infant from the care and possession of the petitioner, and any application

under subsection 2 of section 35 of the Act for leave to give notice under subsection 1(b) of that section, shall be made by Minute lodged in the adoption petition process. Such Minute shall crave the remedy which the Minuter seeks and shall set forth the relevant facts. The Court shall fix a date for the hearing on the said Minute and shall ordain the Minuter to intimate the same by sending a notice in Form E together with a copy of the Minute by registered post or by the recorded delivery service to the petitioner or petitioners, to the curator *ad litem*, to any person who may have care and possession of the infant, and to such other person or persons (if any) as the Court shall think proper. The Court may make such order as it shall think fit relating to the expenses of the Minute and the procedure following thereon."

(5) In Form C of the Appendix thereto,

(a) by deleting the words "and address" wherever they occur;

(b) by adding at the end the following paragraph:—

"And notice is further hereby given that the Court has been requested to dispense with your consent to the pronouncing of the (*state Adoption Order or Provisional Adoption Order as appropriate*) on the grounds that (*state grounds briefly, or delete if inappropriate*)".

(6) By adding a new Form E at the end of the Appendix thereto as follows:—

"FORM E

Notice of Hearing of Minute
in Petition of

"A.B. (*name and designation*), and (*if wife also petitioner*) C.D. (*name and designation*)

for

"Authority to adopt

"E.F. (*Name, as in birth certificate, or name by which child is ordinarily known*).

"Notice is hereby given that a hearing in this Petition, which hearing will be restricted to matters bearing upon the crave of the Minute a copy of which is attached hereto, will take place in the Court at on the day of 19 at o'clock when, if so advised, you may appear and be heard, personally or by solicitor or counsel".

2. This Act of Sederunt may be cited as the Act of Sederunt (Adoption of Children Amendment) 1966 and shall come into operation on 18th January 1967.

And the Lords appoint this Act of Sederunt to be entered in the Books of Sederunt.

J. L. Clyde,

Edinburgh,
20th December 1966.

I.P.D.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt amends the rules for adoption proceedings in the Sheriff Court and Juvenile Court under the Adoption Act 1958.