

1973 No. 1118 (L.16)
MAGISTRATES' COURTS
The Adoption (Juvenile Court) Rules 1973

<i>Made</i> - - - -	25th June 1973
<i>Laid before Parliament</i>	4th July 1973
<i>Coming into Operation</i>	1st August 1973

The Lord Chancellor, in exercise of the powers conferred on him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), section 9 of the Adoption Act 1958(c) and sections 2(2) and 3(2) of the Welsh Language Act 1967(d), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Adoption (Juvenile Court) Rules 1973 and shall come into operation on 1st August 1973.

2. In these Rules "the principal Rules" means the Adoption (Juvenile Court) Rules 1959(e) as amended (f).

3. In Rule 8(2)(a) and (3) of the principal Rules (appointment of guardian ad litem) for the words "children's officer" wherever they occur there shall be substituted the words "director of social services".

4. After paragraph (2) of Rule 12 of the principal Rules (service of notice of an application for adoption) there shall be added the following paragraph:—

"(3) Where the court has been requested to dispense with the consent of a parent or guardian of the infant in a case where a serial number has been assigned to the applicant in accordance with Rule 2 of these Rules, the justices' clerk shall omit from the statement of the facts on which the applicant intends to rely which is required to be attached to the notice set out in Form 6 any reference to the applicant other than by that serial number."

5. For Rule 19 of the principal Rules (form of an adoption order) there shall be substituted the following Rule:—

"19.—(1) Subject to paragraphs (2) and (3) of this Rule an adoption order shall be drawn up in Form 9.

(2) Where—

(a) an adoption order is made by a court sitting in Wales or Monmouthshire in respect of an infant who was born in Wales or Monmouthshire or who is treated for the purposes of section 21(3) of the Adoption Act 1958 as born in the registration district and sub-district in which the court sits; and

(b) the adopter so requests before the order is drawn up, the form of Schedule set out in Form 9A shall be used in place of the Schedule contained in Form 9.

(a) 1949 c. 101.

(c) 1958 c. 5 (7 & 8 Eliz. 2).

(e) S.I. 1959/504 (1959 I, p. 1626).

(b) 1952 c. 55.

(d) 1967 c. 66.

(f) S.I. 1965/2072 (1965 III, p. 6097).

(3) Where, in accordance with paragraph (2) of this Rule, the form of Schedule set out in Form 9A is used, the adoption order shall specify both in English and in Welsh the particulars to be entered under the headings in entries 2 to 6 of that Schedule and, in the case of any discrepancy between the English and Welsh text of any such particulars, the English text shall prevail.”.

6. Paragraph (2) of Rule 20 of the principal Rules (size of copy of adoption order to be sent to Registrar General) shall be omitted.

7. For Rule 21 of the principal Rules (abridged copy of adoption order to be served on applicant) there shall be substituted the following Rule:—

“21.—(1) Subject to paragraph (2) of this Rule, within 7 days after the making of an adoption order the justices’ clerk shall serve on the applicant an abridged copy of the adoption order in Form 10 signed by a member of or the clerk to the court.

(2) Where, in accordance with paragraph (2) of Rule 19 of these Rules, the adoption order contains a Schedule in the form set out in Form 9A, the copy of the order required to be served on the applicant under paragraph (1) of this Rule shall contain a Schedule in that form instead of in the form set out in Form 10 and paragraph (3) of the said Rule 19 shall have effect in relation to the copy as it has effect in relation to the order.”.

8. For paragraph 13 of Form 1 in Schedule 1 to the principal Rules (application for adoption order) there shall be substituted the following paragraph:—

“13. I/We request the court to dispense with the consent of the infant’s mother/father/guardian on the ground that [8] and I/we attach a statement of the facts on which I/we intend to rely.”.

9. For paragraph E of the medical report as to the health of the infant set out in Form 3 in Schedule 1 to the principal Rules there shall be substituted the following paragraph:—

“E. (i) *(To be completed in the case of a child at least 6 weeks old at the time of the test—either test (a) or tests (b) (i) and (ii) may be carried out except where test (b)(i) or (ii) is positive, when test (a) must also be carried out)*

(a) Result of a suitable serological test of the child’s blood for syphilis (please specify test).....

(b) Result of suitable serological tests of the mother’s blood for syphilis—
(i) reagin (please specify test)
.....

(ii) verification (please specify test)
.....

(ii) *(To be completed in the case of a child over 6 complete days (excluding the day of his birth) and under 2 years old at the time of the test)*

Result of test of the child’s blood for the purpose of estimating the level of phenylalanine therein.....”.

10. For the entry numbered “(5)” in Form 6 in Schedule 1 to the principal Rules (notice to respondent of application for adoption order) there shall be substituted the following entry:—

“(5) The court has been requested to dispense with your consent on the ground that and a statement of the facts on which the applicant[s] intend[s] to rely is attached.”.

11. For Form 9 in Schedule 1 to the principal Rules (form of adoption order) there shall be substituted the following Form:—

Rule 19(1)

“Form 9

Adoption Order (Adoption (J.C.) Rules 1959, r. 19)

In the [county of _____] . Petty Sessional
Division of _____].

Before the Juvenile Court sitting at _____ .

Whereas an application has been made by
[and _____ his wife] (more particularly described in the Schedule hereto and hereinafter called the applicant[s]) for an adoption order in respect of _____ (enter names and surname as shown in birth certificate or Adopted Children Register or, if not so shown, by which known before being placed for adoption) an infant of the sex the [adopted] child of _____ (hereinafter called the child);

And Whereas the name or names and surname by which the child is to be known are _____ ;

And Whereas the court is satisfied that the applicant[s] [is] [are] qualified in accordance with the provisions of the Adoption Act 1958 to adopt the child and that all conditions precedent to the making of an adoption order by the court have been fulfilled;

It is ordered that the applicant[s] be authorised to adopt the child;

[And as regards costs, it is ordered that _____ ;]

[And the court not being satisfied as to the precise date of the child's birth, it is determined that the probable date thereof was that specified in the Schedule hereto;]

[And the court not being satisfied as to the country of the child's birth and it [not] appearing probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man the child's country of birth is [not] specified in the Schedule hereto as [“England”] [“Wales”];]

[And the country of the child's birth being specified in the Schedule hereto as [England] [Wales] but the court not being satisfied as to the registration district and sub-district in which the child was born, the district and sub-district in which the court sits are specified in the Schedule hereto as those in which the child was born;]

And it is directed that the Registrar General shall, in accordance with the Adoption Act 1958, enter in the Adopted Children Register the particulars specified in the Schedule hereto;

[And the court being satisfied that the child is identical with _____ to whom the entry numbered _____ made on the _____ day of _____, 19 _____, in [the Registers of Births for the registration district of _____ and sub-district of _____ in the county of _____] [the Adopted Children Register] relates, it is directed that the said entry be marked with the word [“Adopted”] [“Re-adopted”].]

[The following payment or reward is sanctioned _____ .]

Dated the _____ day of _____, 19 ____ .
 (Signature)
 Justice of the Peace for the [county]
 first above-mentioned.

[or By order of the Court,
 J.C.,
 Clerk of the Court.]

SCHEDULE

1. No. of entry	
2. Date	<i>Registration District</i>
and country	<i>Sub-district</i>
of birth of child	
3. Name and surname of child	
4. Sex of child	
5. Name and surname, address and occupation of adopter or adopters	
6. Date of adoption order and description of court by which made	
7. Date of entry	
8. Signature of officer deputed by Registrar General to attest the entry	

Notes

1. Entries 1, 7 and 8 should be completed by the Registrar General.
2. *Name and surname of child.* Enter the name or names and surname by which the child is to be known.
3. *Sex of child.* Enter "male" or "female", as the case may be.
4. *Address of adopter or adopters.* If the applicant is not ordinarily resident in Great Britain, enter the place abroad where he ordinarily resides."

12. After Form 9 in Schedule 1 to the principal Rules there shall be added the following Form:—

Rule 19(2) "Form 9A
*Form of bilingual Schedule for inclusion in adoption orders
 made by Welsh courts (Adoption (J.C.) Rules 1959, r.19)*

SCHEDULE

1. No. of entry Rhif y gofnod	
2. Date	Registration District Dosbarth Cofrestru
Dyddiad	
and	
a'r	Sub-district Is-ddosbarth
country of birth of child.....	
wlad lle ganwyd y plentyn.....	
3. Name and surname of child Enw a chyfenw y plentyn	
4. Sex of child	Rhyw y plentyn
5. Name and surname, Enw a chyfenw, address cyfeiriad and a occupation of adopter or adopters gwaith y mabwysiadwr neu'r mabwysiadwyr	
6. Date of adoption order.....	
Dyddiad y gorchymyn mabwysiadu	
and description of court by which made	
a disgrifiad o'r llys a'i gwnaeth	
7. Date of entry	Dyddiad y gofnod
8. Signature of officer deputed by Registrar General to attest the entry Llofnod y swyddog a benodwyd gan y Cofrestrydd Cyffredinol i ardystio'r gofnod	

Notes

1. Entries 1, 7 and 8 should be completed by the Registrar General.
2. *Name and surname of child.* Enter the name or names and surname by which the child is to be known.
3. *Sex of child.* Enter "male" or "female", as the case may be.
4. *Address of adopter or adopters.* If the applicant is not ordinarily resident in Great Britain, enter the place abroad where he ordinarily resides."

SCHEDULE

1. No. of entry	
2. Date and country of birth of child	<i>Registration District</i>
	<i>Sub-district</i>
3. Name and surname of child	
4. Sex of child	
5. Name and surname, address and occupation of adopter or adopters	
6. Date of adoption order and description of court by which made	
7. Date of entry	
8. Signature of officer deputed by Registrar General to attest the entry	

”.

Dated 25th June 1973.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Adoption (Juvenile Court) Rules 1959.

Rule 3 substitutes in Rule 8 of the Rules of 1959, which provides for the appointment of a guardian ad litem, for references to the children's officer of a local authority references to the director of social services.

Rules 5 and 12 substitute a new Rule for Rule 19 of the Rules of 1959 which requires the Schedule to an adoption order made by a court in Wales or Monmouthshire in respect of an infant born in Wales or Monmouthshire (or treated as having been born in the registration district where the court sits) to be in bilingual form if the adopter so requests and prescribe that form. Where this version of the Schedule is used the particulars entered in the Adopted Children Register will be in both English and Welsh. Rule 7 makes similar provision in relation to the abridged copy of an adoption order which is required to be served on the applicant by Rule 21 of the Rules of 1959.

Rule 6 omits Rule 20(2) of the Rules of 1959, which prescribes the measurements and format of the copy of an adoption order which is required to be sent to the Registrar General.

Rules 8 and 10 amend respectively Forms 1 and 6 in Schedule 1 to the Rules of 1959 and require an applicant for an adoption order to attach a statement of the facts on which he intends to rely where he requests the court to dispense with the consent of the infant's parent or guardian and for a copy of the statement to be attached to the notice of the application which is required to be sent to the respondent. Rule 4 amends Rule 12 of the Rules of 1959 so as to require the copy of the statement not to include any reference to an applicant to whom a serial number has been assigned other than by that number.

Rule 9 substitutes a new paragraph for paragraph E of the medical report as to the health of the infant set out in Form 3 in Schedule 1 to the Rules of 1959. The new paragraph, in the case of a child at least 6 weeks old, enables tests of the blood of the child's mother for syphilis to be carried out as an alternative to a test of the child's blood except where the result is positive when a test of the child's blood must also be carried out. The entry relating to the result of an examination of the child's urine for phenylpyruvic acid is replaced by an entry relating to the result of a test of the child's blood for phenylalanine to be completed in the case of a child over 6 days and under 2 years old.

Rule 11 substitutes a new form of adoption order for that set out in Form 9 of Schedule 1 to the Rules of 1959. The principal changes relate to the format of the Schedule to the adoption order. Rule 13 similarly amends the form of the Schedule contained in the abridged copy of an adoption order which is required to be sent to the applicant.

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