

1984 No. 997 (S. 100)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 6) (Adoption Proceedings) 1984

Made - - - - 13th July 1984
 Coming into Operation 1st September 1984

The Lords of Council and Session under and by virtue of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act 1933 (a), section 59 of the Adoption (Scotland) Act 1978 (b) and of all other powers enabling them in that behalf, hereby enact and declare—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 6) (Adoption Proceedings) 1984 and shall come into operation on 1st September 1984.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment to adoption rules

2.—(1) Section 4 of Chapter IV (Adoption of Children) of the Rules of Court (c) shall be amended as follows.

(2) For rules 219 to 230 substitute the following rules—

“219. Interpretation

(1) In this section, unless the context otherwise requires—

“the 1978 Act” means the Adoption (Scotland) Act 1978 (d);

“adoption agency” means a local authority or an approved adoption society;

“Her Majesty’s Forces” means the Royal Navy, the regular armed forces as defined by section 225 of the Army Act 1955 (e), the regular air force as defined by section 223 of the Air Force Act 1955 (f), the Queen Alexandra’s Royal Naval Nursing Services and the Women’s Royal Naval Service; and

“Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland.

(2) Expressions which are used in this section and are also used in the 1978 Act have the same meaning as in that Act.

(3) In this section, a form referred to by number means the form so numbered in the Appendix to the rules or a form substantially to the like effect, with such variation as circumstances may require.

(a) 1933 c.41. (b) 1978 c.28. (c) S.I. 1965/321.
 (d) As amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 9 and Sch. 2, paras. 38 to 45.
 (e) 1955 c.18. (f) 1955 c.19.

220. Freeing for adoption

(1) An application by an adoption agency for an order freeing a child for adoption under section 18(1) of the 1978 Act shall be made by petition in the Outer House.

(2) Rules 192 and 195 to 197 shall not apply to a petition under this rule, and the petition shall not be intimated on the walls or in the minute book or advertised.

(3) A petition under paragraph (1) shall include averments about, or refer to a report or other documents produced which deal with, the following matters—

- (a) whether the petition is presented with the consent of a parent or guardian;
- (b) whether the petitioner is applying for dispensation of the agreement of a parent or guardian under section 18(1)(b) of the 1978 Act and on what ground in section 16(2) of the 1978 Act dispensation is sought;
- (c) how the needs of the child came to the notice of the petitioner;
- (d) any relevant family circumstances of the child;
- (e) a description of the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
- (f) an account of the discussion by the petitioner with the parents or guardians of the child and, if appropriate, with the child about their wishes and the alternatives to adoption;
- (g) the knowledge of the petitioner of the position of other relatives or persons likely to be involved;
- (h) an account of the search by the petitioner for any parent or guardian who cannot be found;
- (i) the likelihood of placement of the child for adoption and whether a petition for an adoption order is likely in the near future;
- (j) the arrangements of the petitioner to care for the child after the granting of the prayer of the petition for an order freeing a child for adoption;
- (k) whether the petitioner has given each parent or guardian who can be found an opportunity to make a declaration under section 18(6) of the 1978 Act that he prefers not to be involved in future questions concerning the adoption of the child;
- (l) an account of the inquiries by the petitioner into the circumstances of any reputed father;
- (m) the intentions of the petitioner about giving notice to a former parent or guardian under section 19(2) and (3) of the 1978 Act; and
- (n) any other information which may be of assistance to the court.

(4) Where a petition is presented with the consent of a parent or guardian, there shall be appended to the petition a consent in Form 37 duly signed by that parent or guardian and witnessed.

(5) There shall be lodged in process with the petition—

- (a) an extract of the entry, if any, in the Register of Births relating to the child; and

- (b) any other document founded on by the petitioner for the purpose of vouching averments in the petition.
- (6) On presentation of the petition, the court—
- (a) shall appoint a reporting officer with the duties in rule 224(1);
- (b) shall appoint a curator *ad litem* with the duties in rule 224(4) where it appears that a parent or guardian of the child is unwilling to agree to the making of an adoption order; and
- (c) may appoint a curator *ad litem* with the duties in rule 224(4) in any case where it appears to the court to be desirable in the circumstances of the case in order to safeguard the interests of the child.
- (7) Where a curator *ad litem* is appointed, the court may order the petitioner, a local authority or the reporting officer to make available to the curator *ad litem* any report or information in relation to the child and the natural father and mother of the child.
- (8) The reporting officer shall, on completion of his report, lodge three copies of it in process together with—
- (a) any agreement under section 18(1)(a) of the 1978 Act in Form 37A;
- (b) any consent under section 18(8) of the 1978 Act in Form 38; and
- (c) any declaration under section 18(6) of the 1978 Act in Form 37A.
- (9) The curator *ad litem* shall, on completion of his report, lodge three copies of it in process.
- (10) On receipt of the report of the reporting officer and, where one has been appointed, the report of the curator *ad litem*, the petition department shall—
- (a) inform the petitioner that the reports have been lodged and that a motion for a hearing to determine the application must be enrolled within 7 days; and
- (b) make available to the petitioner, and to any other party, a copy of the report.
- (11) At the motion for a hearing to determine the application, the court shall consider—
- (a) whether to require any person, whose agreement or consent is required to be given or dispensed with, to attend the hearing to determine the application;
- (b) whether to require intimation of the date of the hearing to determine the application to any other person; and
- (c) whether to require the reporting officer or a curator *ad litem* to perform any other duties.
- (12) On a date being fixed for a hearing to determine the application, the petitioner shall intimate the date of the hearing in Form 39—
- (a) to every person who can be found whose agreement or consent is required to be given or dispensed with;
- (b) to the reporting officer and, where one has been appointed, to the curator *ad litem*; and
- (c) to any person upon whom intimation has been ordered by the court under paragraph (11)(b).

- (13) At the hearing to determine the application—
- (a) the petitioner, the reporting officer and, where one has been appointed, the curator *ad litem* shall, if required by the court, appear and may be represented;
 - (b) any person required by the court to attend the hearing shall appear and may be represented; and
 - (c) any other person upon whom intimation was made under paragraph (12)(a) or (c) may appear or be represented.

(14) The court shall, where a declaration has been made under section 18(6) of the 1978 Act, record the fact of that declaration in the interlocutor making the order freeing a child for adoption.

221. Revocation of freeing for adoption order

(1) An application by a former parent under section 20(1) of the 1978 Act for revocation of an order freeing a child for adoption shall be made by note in the process of the petition for that order.

(2) Rules 191 to 196 and 198 shall apply to a note under this rule as they apply to a petition, except that a note under this rule shall not be intimated on the walls or in the minute book or advertised.

(3) On presentation of the note, the court—

- (a) shall make an order for service upon—
 - (i) the petitioner;
 - (ii) any person upon whom the petition was intimated, except a parent or guardian who has made a declaration under section 18(6) or 19(4) of the 1978 Act;
 - (iii) any adoption agency in which parental rights and duties relating to the child are vested by virtue of section 21 of the 1978 Act; and
- (b) shall appoint a curator *ad litem* with the duties in rule 224(5) where it appears to the court to be desirable in the circumstances of the case in order to safeguard the interests of the child.

(4) Where a curator *ad litem* is appointed, the court may order the adoption agency, a local authority or the reporting officer to make available to the curator *ad litem* any report or information in relation to the child and the natural father and mother of the child.

(5) The curator *ad litem* shall, on completion of his report, lodge three copies of it in process.

(6) On receipt of the report of the curator *ad litem*, where one has been appointed, the petition department shall—

- (a) inform the noter that the report has been lodged and that a motion for a hearing to determine the application must be enrolled within 7 days; and
- (b) make available to the noter and to any other party, a copy of the report.

(7) At the motion for a hearing to determine the application, the court shall consider, in an application to which section 20(5) of the 1978 Act applies, whether to grant leave to allow the application to proceed.

(8) On a date being fixed for a hearing to determine the application, the noter shall intimate the date of the hearing in Form 39A to the adoption agency and, where one has been appointed, to the curator *ad litem*.

(9) At the hearing to determine the application, the noter, the adoption agency and, where one has been appointed, the curator *ad litem* shall appear and may be represented.

(10) An application, by an adoption agency having the parental rights and duties relating to a child, for leave under section 20(2) of the 1978 Act to place that child for adoption while the application under this rule for revocation of an order freeing that child for adoption is pending, shall be made by motion in the process for revocation of that order.

222. Adoption orders

(1) An application for an adoption order shall be made by petition in the Outer House by the proposed adopter in Form 36.

(2) Rules 191, 192 and 195 to 197 shall not apply to a petition under this rule, and a petition shall not be intimated on the walls or in the minute book or advertised.

(3) Where a person, who proposes to present a petition for an adoption order, desires that his identity should not be disclosed to any person whose agreement is required under section 16(1) of the 1978 Act, he may apply in writing to the clerk of court before presenting the petition for a serial number to be assigned to him, and in such a case—

- (a) the record of the serial number assigned and the person to whom it applies shall be confidential and open only to the court; and
- (b) an agreement under section 16(1) of the 1978 Act in Form 37B shall not name the petitioner but shall refer to him as the petitioner to whom that serial number has been assigned and shall specify the year in which that serial number was applied.

(4) There shall be lodged in process with the petition—

- (a) an extract of the entry, if any, in the Register of Births relating to the birth of the child;
- (b) an extract of the entry in the Register of Births relating to the birth of the petitioner;
- (c) in the case of a petition by a married couple, an extract of the entry in the Register of Marriages relating to their marriage;
- (d) where the child was not placed for adoption with the applicant by an adoption agency, three copies of a medical report showing the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development; and
- (e) any other document founded on by the petitioner for the purpose of vouching averments in the petition.

(5) On presentation of the petition, the court—

- (a) shall make an order requiring the petitioner to give notice in Form 39B—
 - (i) where the child has been placed for adoption, to the adoption agency which placed the child; or

- (ii) where the child has not been placed for adoption, to the local authority within whose area the petitioner lives;
 - (b) shall appoint a reporting officer with the duties in rule 224(2);
 - (c) shall appoint a curator *ad litem* with the duties in rule 224(6) where the child is not free for adoption and it appears that a parent or guardian is unwilling to agree to the making of an adoption order; and
 - (d) may appoint a curator *ad litem* with the duties in rule 224(6) where it appears to the court to be desirable in the circumstances of the case in order to safeguard the interests of the child.
- (6) Where a curator *ad litem* is appointed, the court may order the adoption agency, a local authority or the reporting officer to make available to the curator *ad litem* any report or information in relation to the child and the natural father and mother of the child.
- (7) A report by a local authority under section 22(2), or an adoption agency under section 23, of the 1978 Act shall include the following matters—
- (a) information about how the needs of the child came to the notice of the agency;
 - (b) the family circumstances of the child;
 - (c) where the child was placed for adoption by an adoption agency, a description of the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
 - (d) an account of the discussion with the parents or guardians of the child and, if appropriate, with the child about their wishes and the alternatives to adoption;
 - (e) the position of other relatives or persons likely to be involved;
 - (f) an account of the search for a parent or guardian who cannot be found;
 - (g) information about the mutual suitability of the petitioner and the child for the relationship created by adoption and the ability of the petitioner to bring up the child including an assessment of the personality of the petitioner and, where appropriate, that of the child;
 - (h) particulars of all members of the household of the petitioner and their relationship to the petitioner;
 - (i) a description of the accommodation in the home of the petitioner;
 - (j) in a petition by one of two spouses, why the other spouse has not joined in the petition;
 - (k) whether the petitioner understands the nature and effect of an adoption order and in particular that the order, if made, will make the petitioner responsible for the maintenance and upbringing of the child;
 - (l) whether the means and standing of the petitioner are such as to enable him to maintain and bring up the child suitably, and what right or interest in property the child has;
 - (m) whether any payment or other reward in consideration of the adoption, other than an approved adoption allowance, has been received or agreed upon;

- (n) what insurance has been offered on the life of the child;
 - (o) the religious persuasion of the petitioner;
 - (p) considerations arising from the difference in age between the petitioner and the child if this is more or less than the normal difference in age between parents and children;
 - (q) whether adoption is likely to safeguard and promote the welfare of the child throughout its childhood; and
 - (r) any other information which may be of assistance to the court.
- (8) On completion of a report under section 22(2) or 23 of the 1978 Act, the local authority or adoption agency shall—
- (a) lodge three copies of the report in process; and
 - (b) send a copy of the report to the reporting officer and, where one has been appointed, to the curator *ad litem*.
- (9) The reporting officer shall, on completion of his report, lodge three copies of it in process together with—
- (a) any agreement under section 16(1) of the 1978 Act in Form 37B; and
 - (b) any consent under section 12(8) of the 1978 Act in Form 38A.
- (10) The curator *ad litem* shall, on completion of his report, lodge three copies of it in process.
- (11) On receipt of the reports of the reporting officer, the local authority or adoption agency and, where one has been appointed, the report of the curator *ad litem*, the petition department shall—
- (a) inform the petitioner that the reports have been lodged and that a motion for a hearing to determine the application must be enrolled within 7 days; and
 - (b) make available to the petitioner, and to any other party, a copy of each report.
- (12) At the motion for a hearing to determine the application, the court shall consider—
- (a) whether to require any person, whose agreement or consent is required to be given or dispensed with, to attend the hearing to determine the application;
 - (b) whether to require intimation of the date of the hearing to determine the application to any other person; and
 - (c) whether to require the reporting officer or a curator *ad litem* to perform any other duties.
- (13) On a date being fixed for a hearing to determine the application, the petitioner shall intimate the date of the hearing in Form 39C—
- (a) to every person who can be found whose agreement or consent is required to be given or dispensed with;
 - (b) to the local authority or adoption agency which lodged the report under paragraph (8), the reporting officer and, where one has been appointed, to the curator *ad litem*; and
 - (c) to any person upon whom intimation has been ordered by the court under paragraph (12)(b).

- (14) At the hearing to determine the application—
- (a) the petitioner, the adoption agency, the reporting officer and, where one has been appointed, the curator *ad litem* shall, if required by the court, appear and may be represented;
 - (b) any person required by the court to attend the hearing shall appear and may be represented; and
 - (c) any other person upon whom intimation was made under paragraph 13(a) or (c) may appear or be represented.

(15) Where the court has made an *interim* order, the petitioner shall, before the expiry of the period specified in the *interim* order, enrol the cause for a further hearing.

(16) Where, in relation to a child under 16, the court refuses to make an adoption order and considers—

- (i) that the child should be placed under the supervision of a specified local authority; or
- (ii) that the child should be committed to the care of a specified local authority,

the following provisions of this rule shall apply—

- (a) the court shall appoint intimation to be made to the local authority and give the local authority an opportunity to make representations;
- (b) any representations of a local authority shall be made by minute in the petition process;
- (c) on a minute being lodged in process, the court shall order service of the minute upon the parties to the petition who may lodge answers within such period as the court may allow; and
- (d) after the period for answers has expired, the court shall put the cause out by order for a hearing to determine the matter.

223. Adoption of children abroad

(1) An application for an order under section 49(1) of the 1978 Act shall be made by petition in the Outer House.

(2) The provisions of rule 222, except paragraph (5)(b), shall apply to an application under this rule as they apply to an application under that rule.

(3) On presentation of the petition, the court shall appoint a reporting officer with the duties in rule 224(3).

224. Duties of reporting officer and curator ad litem

(1) A reporting officer appointed under rule 220(6) (freeing for adoption) shall have the following duties—

- (a) to enquire into the facts and circumstances averred in the petition;
- (b) to ascertain the whereabouts of each parent or guardian and, if practicable, to meet them;
- (c) to witness any agreement by a parent or guardian who is within Scotland to the freeing for adoption under section 18(1) of the 1978 Act in Form 37A; and to ensure that the agreement is given freely, unconditionally and with full understanding of what is involved;

- (d) where a parent or guardian is furth of Scotland, to confirm his views in writing and to ensure that any agreement under section 18(1) of the 1978 Act is witnessed in accordance with rule 230(1).
 - (e) to witness any consent of a minor under section 18(8) of the 1978 Act in Form 38 and to ensure that he understands the consequences of that consent;
 - (f) where the agreement or consent of a parent or guardian or the consent of a minor is sought to be dispensed with, to consider whether the ground of dispensation has been made out;
 - (g) to consider whether the petitioner has made every reasonable effort to find every person whose agreement is required;
 - (h) to consider whether other persons with a relevant interest should be informed of the petition;
 - (i) to enquire whether the petitioner has considered the position of any reputed father;
 - (j) where the child is illegitimate, to consider the prospect of any application by a reputed father for a custody order and whether such an application would be likely to be refused;
 - (k) to discuss alternatives to adoption with each parent or guardian who can be found;
 - (l) to explain the implications of a freeing order to each parent or guardian who can be found;
 - (m) to ensure that each parent or guardian who can be found understands he may be able to apply under section 20 of the 1978 Act and rule 221 for revocation of an order under section 18 of the 1978 Act, and the procedure for making such application;
 - (n) to ensure that each parent or guardian who can be found has been given an opportunity to make a declaration under section 18(6) of the 1978 Act that he prefers not to be involved in future questions concerning the adoption of the child;
 - (o) to consider whether the account by the petitioner of why the application is for a freeing order and not a full adoption order is satisfactory;
 - (p) to consider whether the account by the petitioner of the prospects of arranging adoption after a freeing order is correct;
 - (q) to consider whether any payment prohibited by section 51 of the 1978 Act has been made or received;
 - (r) to ensure that each parent or guardian who can be found is aware of the date of the hearing to determine the application if he wishes to appear;
 - (s) to draw to the attention of the court any matter which may be of assistance; and
 - (t) to prepare a report in relation to the exercise of the above duties.
- (2) A reporting officer appointed under rule 222(5) (adoption) shall have the following duties—
- (a) to enquire into the facts and circumstances averred in the petition and the report of the adoption agency;
 - (b) to ascertain the whereabouts of each parent or guardian and, if practicable, to meet them;

- (c) to witness any agreement by a parent or guardian who is within Scotland to the adoption under section 16(1) of the 1978 Act in Form 37B, and to ensure that the agreement is given freely, unconditionally and with full understanding of what is involved;
 - (d) where a parent or guardian is furth of Scotland, to confirm his views in writing and to ensure that any agreement under section 16(1) of the 1978 Act is witnessed in accordance with rule 230(1);
 - (e) to witness any consent of a minor under section 12(8) of the 1978 Act in Form 38A and to ensure that he understands the consequences of that consent;
 - (f) to ensure that each parent or guardian whose agreement is required understands that in agreeing to the adoption he is giving up all future claims to the child and that all parental rights and duties will vest in the adopter;
 - (g) where the agreement of a parent or guardian or the consent of a minor is sought to be dispensed with, to consider whether the ground of dispensation has been made out;
 - (h) in the case of a child not free for adoption, to consider whether the adoption agency has made every reasonable effort to find every person whose agreement is required;
 - (i) to consider whether other persons with a relevant interest should be informed of the petition;
 - (j) in the case of a child not free for adoption, that the adoption agency has considered the position of any reputed father;
 - (k) where the child is illegitimate, to ascertain whether the father has a custody order and, if not, is not applying for one;
 - (l) to ascertain the wishes of the child, if practicable;
 - (m) to ascertain whether the requirements of section 13 of the 1978 Act have been complied with;
 - (n) to consider whether it is desirable for the welfare of the child that an *interim* order should be made or whether conditions should be imposed in any adoption order or whether an order for custody should be made;
 - (o) where a previous application for adoption has been refused to which section 24(1) of the 1978 Act applies, to report on whether there has been any change of circumstances or other reason which might lead the court to allow the application to proceed;
 - (p) in the case of a child not free for adoption, to consider whether there has been any payment or reward in consideration of the adoption;
 - (q) to ensure that each parent or guardian whose agreement is required or may be dispensed with is aware of the date of the hearing to determine the application if he wishes to appear;
 - (r) to draw to the attention of the court any matter which may be of assistance; and
 - (s) to prepare a report in relation to the exercise of the above duties.
- (3) A reporting officer appointed under rule 223(3) (adoption of children abroad) shall have the following duties—
- (a) the duties in paragraph (2) of this rule; and
 - (b) to obtain a statement from a qualified person in the country in which the petitioner is intending to adopt the child whether there is any legal obstacle to the adoption taking place.

(4) A curator *ad litem* appointed under rule 220(6) (freeing for adoption) shall have the following duties—

- (a) to enquire into, so far as he considers necessary, the matters averred in the petition;
- (b) to enquire into any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;
- (c) to consider whether, in his opinion, the child should be present at the hearing to determine the application;
- (d) to perform such other duties as appear to him to be necessary or as the court may require; and
- (e) to prepare a report in relation to the exercise of the above duties.

(5) A curator *ad litem* appointed under rule 221(3) (revocation of freeing for adoption order) shall have the following duties—

- (a) to enquire into the facts and circumstances averred in the note;
- (b) to determine whether 12 months have elapsed between the making of the freeing order and the date of presentation of the note;
- (c) where a previous application under section 20 of the 1978 Act was refused, to enquire whether there has been any change of circumstances or other reason which the court should know about when considering whether to allow the application to proceed;
- (d) to enquire into any other matters which appear to him to be relevant to the revocation of the order freeing the child for adoption;
- (e) to consider whether, in his opinion, the child should be present at the hearing to determine the application;
- (f) to perform such other duties as appear to him to be necessary or as the court may require; and
- (g) to prepare a report in relation to the exercise of the above duties.

(6) A curator *ad litem* appointed under rule 222(5) (adoption) shall have the following duties—

- (a) to enquire into, so far as he considers necessary, the matters averred in the petition and in any report under rule 222(7);
- (b) to enquire into any other matters which appear to him to be relevant to the making of an adoption order;
- (c) to consider whether, in his opinion, the child should be present at the hearing;
- (d) to perform such other duties as appear to him to be necessary or as the court may require; and
- (e) to prepare a report in relation to the exercise of the above duties.

225. Special application for appointment of reporting officer

(1) Where a person intends to present a petition under rules 220, 222 or 223 and seeks the appointment of a reporting officer before that petition is presented, he may apply under this rule for the appointment of a reporting officer.

(2) An application shall be made by letter addressed to the Deputy Principal Clerk together with any necessary supporting documents and shall be dealt with by a Lord Ordinary in chambers.

(3) The interlocutor of the Lord Ordinary shall be written on an interlocutor sheet and shall be final.

(4) The letter of application and interlocutor sheet shall be kept in the petition department and subsequently added to the process in the petition.

226. Application for transfer of parental rights and duties between adoption agencies

(1) An application for transfer of parental rights and duties between adoption agencies under section 21 of the 1978 Act shall be made by note in the process of the petition for an order freeing a child for adoption.

(2) Rules 191 to 198 shall apply to a note under this rule as they apply to a petition except that a note under this rule shall not be intimated on the walls or in the minute book or advertised.

227. Application for return, removal or prohibition of removal, of child

(1) An application for an order to return a child to, or to ordain a person not to remove a child from, the custody of the applicant under section 29 of the 1978 Act shall be made—

- (a) in relation to section 27(1) or 28(1) of the 1978 Act, by note in the process of the petition for an adoption order or of the petition for an order under section 49(1) of the 1978 Act;
- (b) in relation to section 27(2) of the 1978 Act, by note in the process of the petition for an order freeing a child for adoption; and
- (c) in relation to section 28(3) of the 1978 Act, by petition in the Outer House.

(2) An application for leave—

- (a) to remove a child under section 27(1) or 28 of the 1978 Act, shall be made by note in the process of the petition for an adoption order or of the petition for an order under section 49(1) of the 1978 Act;
- (b) to remove a child under section 27(2) of the 1978 Act, shall be made by note in the process of the petition for an order freeing a child for adoption;
- (c) to give notice under section 30(2) of the 1978 Act (of intention under section 30(1)(b)), shall be by note in the process of the petition for an adoption order or of the petition for an order under section 49(1) of the 1978 Act.

(3) Rules 191 to 198 shall apply to a petition or note under this rule as they apply to a petition except that a petition or note under this rule shall not be intimated on the walls or in the minute book or advertised.

228. Application to amend or revoke a direction in, or revoke an, adoption order

(1) An application—

- (a) to amend, or to revoke a direction in, an adoption order under paragraph 4(1) of Schedule 1 to the 1978 Act; or
- (b) to revoke an adoption order under section 46(1) of the 1978 Act, shall be made by petition in the Outer House.

(2) Rules 191 to 198 shall apply to a petition under this rule as they apply to a petition except that a petition under this rule shall not be intimated on the walls or in the minute book or advertised.

229. Registration

On the making of—

- (a) an adoption order, an amendment to, or a revocation of, an adoption order; or
- (b) an order under section 49(1) of the 1978 Act,

a certified copy of the order of the court shall be transmitted by the clerk of court to the Registrar General by personal delivery in a sealed envelope marked “confidential”.

230. Miscellaneous provisions

(1) An agreement under section 16(1) or 18(1) of the 1978 Act by a parent or guardian, or a consent under section 12(8) or 18(8) of the 1978 Act by a minor, who is furth of Scotland shall be witnessed—

- (a) if the agreement or consent is executed in England and Wales or Northern Ireland, by a Justice of the Peace;
- (b) if the agreement or consent is executed outside the United Kingdom—
 - (i) by a British consular officer;
 - (ii) by a notary public;
 - (iii) by a person authorised to administer an oath for any judicial or legal purpose in the country in which it is executed; or
 - (iv) where the person making the agreement or consent is serving in any of Her Majesty’s Forces, by an officer holding a commission in any of those forces.

(2) Where a declaration is made by a former parent under section 19(4) of the 1978 Act to the adoption agency in whose favour an order has been made under section 18 of the 1978 Act—

- (a) the adoption agency shall—
 - (i) lodge the declaration in process;
 - (ii) enrol a motion to have the declaration recorded; and
- (b) the court shall record the declaration by pronouncing an interlocutor recording the fact of that declaration.

(3) An extract of an adoption order or an order under section 49(1) of the 1978 Act shall not be issued except by order of the court on application by petition in the Outer House setting forth the reasons for which the extract is required.

(4) After an order referred to in rule 229 has been transmitted to the Registrar General or an extract has been issued under paragraph (3) of this rule, the clerk of court or the Extractor, as the case may be, shall place the whole process in a sealed envelope marked “confidential” bearing only the name of the petitioner and the name and surname of the child to whom the order relates and the date of the order; and the envelope shall not be opened by or made accessible to any person within one hundred years after the date of the adoption order or the order under section 49(1) of the 1978 Act except—

- (a) to an adopted child who has reached the age of 17 years and to whom the order refers;
 - (b) by or to the Deputy Principal Clerk of Session or the Extractor, as the case may be, on the written application to him by an adoption agency with the agreement of the adopted person for the purpose of ascertaining the name of the adoption agency, if any, responsible for placing that person for adoption and informing that person of the name of that adoption agency;
 - (c) by order of the court on application by petition in the Outer House by another court or authority (whether within the United Kingdom or not) having power to authorise an adoption which requests that information be made available from the process for the purpose of discharging its duties in considering an application for adoption;
 - (d) by order of the court on application by petition in the Outer House by a person setting forth the reasons for which access to the process is required; or
 - (e) to a person who is authorised in writing by the Secretary of State to obtain information from the process for the purpose of such research as is designed to improve the working of adoption law and practice.
- (5) In any cause to which this section applies, the court may, before determining the application, order—
- (a) production of further documents (including affidavits); or
 - (b) parole evidence.
- (6) Unless the court otherwise directs, in any cause to which this section applies—
- (a) all documents lodged in process, including a report by an adoption agency, a reporting officer or a curator *ad litem* shall be treated as confidential and open only to the court, the parties, the reporting officer and the curator *ad litem*; and
 - (b) a reporting officer or curator *ad litem* shall regard all information obtained by him in relation to the cause as confidential, and not to be divulged to any person except to a person to whom it may be necessary to do so for the proper execution of his duties.
- (7) In any cause to which this section applies, the court may make such order as to liability for expenses, including the expenses of an adoption agency which prepared a report, a reporting officer, a curator *ad litem* and any other person who attends the hearing to determine the application, as it thinks fit and may—
- (a) modify those expenses; or
 - (b) direct those expenses to be taxed on such scale as it may determine.
- (8) Where a reporting officer or a curator *ad litem* is to be appointed by the court, such person shall be appointed from a panel established under the Curators *Ad Litem* and Reporting Officers (Panels) (Scotland) Regulations 1984 (a) except where the court considers, in exceptional circumstances, that it would be appropriate to appoint a person who is not a member of a panel other than an employee of an adoption agency,

(a) S.I. 1984/566.

which is a party to the proceedings, or who has been involved in making any arrangements for the adoption of the child.”

(3) In section 4A of Chapter IV (Convention Adoption Orders)—

(a) for the heading “(ADOPTION ACT 1968; CHILDREN ACT 1975)” substitute “(ADOPTION (SCOTLAND) ACT 1978)”;

(b) in rule 230A(1) (interpretation)—

(i) for the words “the Act of 1968” means the Adoption Act 1968;” substitute the words “the 1978 Act” means the Adoption (Scotland) Act 1978;”;

(ii) omit the words “the Act of 1975” means the Children Act 1975;”;

(iii) for the words “24 of the Act of 1975 and proceedings under the Act of 1968” substitute the words “17, and proceedings under section 47, of the 1978 Act;”;

(iv) omit the words from “regulated adoption” to “the Act of 1968;”;

(v) for the words “Act of 1975” in sub-paragraph (b), substitute the words “1978 Act”;

(c) in rule 230A(3) (interpretation), for the words “9 of the Act of 1968” substitute the words “63 of the 1978 Act”;

(d) in rule 230B(2) (application of rules), for the words “219 to 230” substitute the words “222, 224(2) and (6), 225, 227, 229 and 230 (except paragraph (2) of that rule)”;

(e) in rule 230E(2) (evidence of nationality)—

(i) for the figures “24” substitute the figures “17”;

(ii) for the words “Act of 1975” substitute the words “1978 Act”;

(f) in rule 230F(6) (proper officer to whom opinion on adoption to be communicated), for the words “24(7)(a) of the Act of 1975” substitute the words “17(7)(a) of the 1978 Act”;

(g) in rule 230H(1)(b) (notice to Registrar General), for the words “26(1)(a) of the Adoption Act 1958” substitute the words “46(2) of the 1978 Act”;

(h) in rule 230I—

(i) in paragraph (1), for the words “6 of the Act of 1968” substitute “46(2) and 47 of the 1978 Act”;

(ii) in paragraph (3) for the words “6(1) of the Act of 1968” substitute the words “47(1) of the 1978 Act”;

(iii) in paragraph (4), for the words “Rule 221 (curator *ad litem*)” substitute the words “the court shall appoint a curator *ad litem* and rule 224(6)”;

(i) in rule 230J (account taken of internal law of convention country before order), for the words “24(8) of the Act of 1975” substitute the words “17(8) of the 1978 Act”;

(j) in rule 230K(b) (attestation), for the words “Rule 219(c)” substitute the words “rule 230(1)”.

(4) In the Appendix (forms), for forms 36 to 39 substitute the forms in the Schedule to this Act of Sederunt.

Emslie,
Lord President
I.P.D.

13th July 1984.
Edinburgh.

SCHEDULE

FORM 36

rule 222(1)

Petition for adoption order or an order under section 49(1) of the Adoption (Scotland) Act 1978 as filled in on official printed form 28

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND
SESSION
PETITION

of

A.B. (name, designation and address) [or serial number where one has been assigned on application]

for

An Adoption Order

under the Adoption (Scotland) Act 1978

[or an Order under section 49(1) of the Adoption (Scotland) Act 1978]

in respect of

E.F. (name as in birth certificate, or name by which child is ordinarily known, and address).

HUMBLY SHEWETH—

1. That the petitioner is desirous of adopting the child, E.F., under the provisions of the Adoption (Scotland) Act 1978.
2. That the petitioner is domiciled in
and resides at
3. That the occupation of the petitioner is
4. That the petitioner is married *[or unmarried]*, a widow *[or a widower]* *(if married, state whether spouse resides with or apart from, the petitioner)*.
5. That the petitioner is years of age.
6. That the petitioner has resident with him the following persons namely,
7. That the petitioner *[and his spouse]* is *[or are respectively]* related to the child as follows:— *[or that the petitioner [and his spouse] is not [or are not, nor is either of them] related to the child]*.
8. That the child is—
 - (a) of the sex;
 - (b) unmarried;
 - (c) a child of *(name of mother)* and *(name of father, if known)*;
 - (d) of British *[or]* nationality;

- (e) years of age, having been born on the day of 19 ;
 at in the County of ;
- (f) was received into the care and possession of the petitioner on ;
- (g) has been continuously in his care and possession since ;
- (h) has the following tutors, curators or guardians (*names and addresses*),
 ; and
- (i) entitled to the following property, namely, .

[9. *Where the child was not placed for adoption.* That a medical report on the health of the child is produced herewith.]

[10. That the child is free for adoption under section 18 of the 1978 Act. A certified copy interlocutor of the (*name of court*) dated the day of 19 , is produced. The interlocutor freeing the child for adoption has not been revoked under section 20 of the 1978 Act. In terms of that interlocutor the parental rights and duties relating to the child were vested in (*name of adoption agency*). [The parental rights and duties relating to the child were transferred to (*name of adoption agency*) by interlocutor of (*name of court*) under section 21 of the 1978 Act on day of 19 . A certified copy of that interlocutor is produced.].]

[11. That the child is in the care of who has [*or have*] the rights and duties of a parent or guardian [*or the parental rights and duties*] in respect of the child.]

[12. That (*name*) of (*address*) is liable to pay aliment to the child by interlocutor of the (*name of court*) [*or by an agreement of (names of parties to agreement)*] dated the day of 19 .]

[13. That the petitioner believes and avers that (*name(s)*) is [*or are*] willing to agree to the making of an adoption order [*or an order under section 49 of the 1978 Act*] in favour of the petitioner.]

[14. That the petitioner desires the court to dispense with the agreement of (*name(s)*) on the ground that .]

[15. That the petitioner believes and avers that the child, being a minor, consents to the making of an adoption order [*or an order under section 49(1) of the 1978 Act*] in favour of the petitioner. [*Or* That the petitioner desires the court to dispense with the consent of the child on the ground that he is incapable of giving his consent because (*state reason*) .]

16. That the child has lived with the petitioner continuously since the day of 19 . [He has accordingly had his home with the petitioner during the preceding five years.]

[17. That on the day of 19 the child was placed with the petitioner for adoption by (*name of adoption agency*) [*or received into the custody of the petitioner in the following circumstances*].]

[18. That the petitioner notified the (*name of local authority*) on the day of 19 of his intention to petition for an adoption order [*or an order under section 49 of the 1978 Act*] in respect of the child.]

[19. That the child has not been the subject of an adoption order or of a petition for an adoption order [save that (*state order and petition if any*)].]

[20. That the petitioner is prepared to undertake, if an adoption order [*or an order under section 49 of the 1978 Act*] is made in this petition, to make the following provision for the child .]

[21. That the petitioner has not received or agreed to receive and no person has made or agreed to make or give to the petitioner any payment or reward in consideration of the adoption of the child [except as follows].]

[22. That the petitioner intends to adopt the child under the law of [*or within*] (*state country*) which is the country of the domicile of the petitioner. [The petitioner wishes to remove the child from Great Britain for the purpose of adoption.]]

23. That this petition is presented under the provisions of the Adoption (Scotland) Act 1978, and rule of court 222 [*or* 223].

MAY IT THEREFORE please your Lordships to dispense with intimation and to order notice of this petition to be served by registered or recorded delivery letter post or otherwise on such person or persons as your Lordships may think proper; and to appoint a reporting officer, and, if necessary, a curator *ad litem* to the child sought to be adopted, and direct him [*or them*] to report; and thereafter, on resuming consideration hereof, together with the report by the reporting officer, and that of the curator *ad litem* if one is appointed, pronounce an interlocutor authorising the petitioner to adopt the child [*or vesting in the petitioner the parental rights and duties relating to the child under section 49 of the Adoption (Scotland) Act 1978*], E.F., in terms of the Adoption (Scotland) Act 1978, on such terms and conditions, if any, as your Lordships may think fit; and to direct the Registrar General for Scotland to make an entry regarding the adoption [*or order under section 49 of the 1978 Act*] in the Adopted Children Register in the form prescribed by him, giving the name as the Christian and as the surname of the child in that form; and, further, upon proof to the satisfaction of your Lordships in the course of the proceedings to follow hereon, to find that the child was born on the day of in the year and is identical with the child to whom an entry numbered and made on the day of in the year in the Register of Births for the Registration District of in the County of relates; and to direct the Registrar General to cause such birth entry to be marked with the word "Adopted" [*or* "Proposed Foreign Adoption"] [and (*inserted only where the child was born in Scotland*)] to include the above-mentioned date of birth in the entry recording the adoption in the manner indicated in that form]; and to pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as your Lordships may think fit.

ACCORDING TO JUSTICE &c.

(Signed)
[Counsel for Petitioner]

FORM 37

rule 220(4)

Consent of a parent or guardian to petition for an order freeing a child for adoption under section 18 of the Adoption (Scotland) Act 1978

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

in

PETITION

of

A B (*address*)

for

An order freeing the child E.F. for adoption under section 18 of the Adoption (Scotland) Act 1978

I, _____, of (address) being a parent [or guardian] of the child, E.F., hereby state—

(1) That I consent to the petition of A B, an adoption agency, for an order freeing the child for adoption.

(2) That I understand that the petitioner cannot apply to the court for an order freeing the child for adoption without the consent of a parent or guardian, unless the petitioner is applying for dispensation of the agreement of each parent or guardian of the child and the child is in the care of the petitioner.

(Signed by parent or guardian)

This consent was signed by _____ before me at
on the _____ day of _____ 19 ____ .

(Signed)

(Designation)

(Address)

FORM 37A

rule 220(8)(a)

Agreement of a parent or guardian to an adoption order in a petition for an order freeing a child for adoption under section 18 of the Adoption (Scotland) Act 1978

[Heading as in Form 37]

I, _____, of (address) being a parent [or guardian] of the child, E.F., hereby state—

(1) That I understand that the effect of an adoption order would be to deprive me permanently of the parental rights and duties relating to the child and to vest them in the adopters; and that if and when an adoption order is made, I shall have no right to see or get in touch with the child or to have him [or her] returned to me.

(2) That I understand that the court cannot make an order freeing a child for adoption without the agreement of each parent or guardian of the child to the making of an adoption order, unless the court dispenses with that agreement on the ground that the person concerned—

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child, or
- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

(3) That I also understand that, when the hearing on the petition to determine the application for an order freeing the child for adoption is heard, this document may be used as evidence of my agreement to the making of an adoption order unless I inform the court that I no longer agree.

(4) That I freely, and with full understanding of what is involved, agree unconditionally to the making of an adoption order.

(5) [That I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child. I understand that if I make such a declaration I will not be told when the child has been adopted or whether he has been placed for adoption. I also understand that I will not be able to apply for a revocation of the order freeing the child for adoption if I make such a declaration. I hereby declare freely, and with full understanding of what is involved, that I do not wish to be involved in future questions concerning the adoption of the child.] [or That I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child, and the effect of making such a declaration has been explained to me. I do not wish to make such a declaration.]

[(6) That I have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption or consent to the making of an application for an order freeing the child for adoption, for placing the child for adoption with any person or making any arrangements for adoption of the child, other than a payment to an adoption agency for their expense incurred in connection with the adoption.]

(Signed by parent or guardian)

This agreement was signed by _____ before me at
on the _____ day of _____ 19 ____ .

(Signed)

(Designation)

(Address)

FORM 37B rule 222(9)(a) or 223(2)

Agreement of a parent or guardian to an adoption order or an order under section 49 of the Adoption (Scotland) Act 1978

[Heading as in Form 36]

I, _____, of *(address)* being a parent [*or guardian*] of the child, E.F., hereby state—

(1) That I understand that the effect of an adoption order [*or an order under section 49 of the Adoption (Scotland) Act 1978*] will be to deprive me permanently of the parental rights and duties relating to the child and to vest them in the petitioner; and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the child or to have him [*or her*] returned to me.

(2) That I understand that the court cannot make an adoption order [*or an order under section 49 of the 1978 Act*] in relation to the child, unless the child is free for adoption, without the agreement of each parent or guardian of the child unless the court dispenses with an agreement on the ground that the person concerned—

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child; or

- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

(3) That I also understand that when the hearing on the petition to determine the application for an adoption order [*or an order under section 49 of the 1978 Act*] in relation to the child is heard, this document may be used as evidence of my agreement to the making of the order unless I inform the court that I no longer agree.

(4) That I hereby freely, and with full understanding of what is involved, agree unconditionally to the making of an adoption order [*or an order under section 49 of the 1978 Act*] in relation to the child in this petition.

[(5) That I have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order or placing the child for adoption with any person or making any arrangements for the adoption of the child, other than a payment to an adoption agency for their expenses incurred in connection with the adoption.]

(Signed by parent or guardian)

This agreement was signed by _____ before me at
on the _____ day of _____ 19 .

(Signed)

(Designation)

(Address)

FORM 38

rule 220(8)(b)

Consent of a minor to an order freeing him for adoption under section 18 of the Adoption (Scotland) Act 1978

[Heading as in Form 37]

I, _____, of *(address)* being a minor and the child in respect of whom the petition for an order freeing me for adoption is presented, hereby state—

(1) That I understand that an order freeing me for adoption cannot be made without my consent. The effect of my consent has been explained to me.

(2) That I also understand that, when the hearing on the petition to determine the application for an order freeing me for adopting is heard, this document may be used as evidence of my consent to the making of an order freeing me for adoption unless I inform the court that I no longer consent.

(3) That I, with full understanding of what it involves, consent to the making of an order freeing me for adoption.

(4) That I understand, if an order is made freeing me for adoption and a petition for my adoption is subsequently presented to the court, that my consent to any order for my adoption will still be required to be obtained.

(Signed by minor)

This consent was signed by _____ before me at
 on the _____ day of _____ 19 _____ .

*(Signed)**(Designation)**(Address)*

FORM 38A rule 222(9)(b) or 223(2)

Consent of a minor to an order for his adoption or to an order under section 49 of the Adoption (Scotland) Act 1978

[Heading as in Form 36]

I, _____, of *(address)* being a minor and the child in respect of whom the petition for an order for my adoption [*or an order under section 49 of the Adoption (Scotland) Act 1978*] is presented, hereby state—

(1) That I understand that an order for my adoption [*or an order under section 49 of the 1978 Act*] cannot be made without my consent. The effect of my consent has been explained to me.

(2) That I also understand that, when the hearing on the petition to determine the application for an adoption order [*or an order under section 49 of the 1978 Act*] is heard this document may be used as evidence of my consent to the making of an order for my adoption [*or an order under section 49 of the 1978 Act*] by the petitioner unless I inform the court that I no longer consent.

(3) That I, with full understanding of what it involves, consent to the making of an order for my adoption [*or an order under section 49 of the 1978 Act*] by the petitioner.

(Signed by the minor)

This consent was signed by _____ before me at
 on the _____ day of _____ 19 _____ .

*(Signed)**(Designation)**(Address)*

FORM 39

rule 220(12)

Notice of hearing to determine application for an order freeing a child for adoption

IN THE COURT OF SESSION

in

PETITION

of

A B (*address*)

for

An order freeing the child E.F. for adoption under
section 18 of the Adoption (Scotland) Act 1978To (*name and address*)

TAKE NOTICE

1. That the hearing in this petition to determine the application for an order freeing the child, E.F. for adoption will come before the Lord Ordinary in the Court of Session, Parliament Square, Edinburgh on the day of 19 , at o'clock and that you may then appear and be heard personally or by counsel on the question whether an order freeing the child for adoption should be made.

2. That you are [not] obliged to attend the hearing [unless you wish to do so].

3. That while the petition is pending a parent or guardian of the child who did not consent to the making of the application must not, except with the leave of the court, remove the child from the actual custody of the person with whom the child has his home against the will of that person.

[4. That the court has been requested to dispense with your agreement to the making of an adoption order on the ground[s] that].

Dated the day of 19 .

(Signed)

[Solicitor for Petitioner]

(Address)

FORM 39A

rule 221(8)

Notice of hearing of an application for the revocation of an order freeing a child for adoption

IN THE COURT OF SESSION

in

NOTE

by

C D (*address*)

for

Revocation of an order freeing the child E.F. for adoption

4. That on completion of your report you are required under rule 222(8) of the Rules of the Court of Session to lodge three copies of the report in process in the Petition Department, Court of Session, Parliament Square, Edinburgh and to send a copy to *(name and address)*, the reporting officer [and a copy to *(name and address)*, the curator *ad litem* to the child E.F.] in this petition.

Dated the day of 19 .

(Signed)

[Solicitor for Petitioner]

(Address)

FORM 39C

rule 222(13) or 223(2)

Notice of hearing of application for an adoption order or an order under section 49 of the Adoption (Scotland) Act 1978

IN THE COURT OF SESSION

in

PETITION

of

A B *(address)*

for

An adoption order [*or an order under section 49 of the Adoption (Scotland) Act 1978*] in respect of the child E.F.

To *(name and address)*

TAKE NOTICE

1. That the hearing in this petition to determine the application for an adoption order [*or an order under section 49 of the Adoption (Scotland) Act 1978*] will come before the Lord Ordinary in the Court of Session, Parliament House, Edinburgh on the day of 19 , at o'clock and that you may then appear and be heard personally or by counsel on the question whether an adoption order [*or an order under section 49 of the 1978 Act*] should be made.

2. That you are [not] obliged to attend the hearing [unless you wish to do so].

3. That while the petition is pending a parent or guardian of the child who has agreed to the making of an order must not, except with the leave of the court, remove the child from the actual custody of the petitioner.

[4. That the petition states that the child has had his home with the petitioner for the five years preceding the presentation of the petition and accordingly, if that is correct, no person is entitled, against the will of the petitioner, to remove the child from the actual custody of the petitioner except with the leave of the court or under authority conferred by any enactment or on the arrest of the child.]

[5. That the court has been requested to dispense with your agreement to the making of an order on the ground[s] that .]

Dated the day of 19 .

(Signed)

[Solicitor for Petitioner]

(Address)

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session by substituting new provisions for the existing rules on adoption of children (rules 219 to 230) and by making minor consequential amendments to rules 230A to 230K which relate to Convention adoption orders.

The amendments to the rules of court in this Act of Sederunt are consequential upon the coming into force of the Adoption (Scotland) Act 1978 (except sections 1 and 2) on 1st September 1984. The 1978 Act consolidates (and repeals) the Adoption Acts 1958 to 1964 and the provisions relating to adoption in the Children Act 1975 in so far as they relate to Scotland.

The new rules include (a) procedure for applications to free a child for adoption and for revocation of such an order introduced by sections 14 and 16 of the 1975 Act (now sections 18 and 20 of the 1978 Act) (rules 220 and 221); and (b) provisions for the appointment of reporting officers (introduced by section 20 of the 1975 Act, now section 58 of the 1978 Act) (rules 220 and 221) and curators *ad litem* (rules 220, 221 and 222), for the duties of reporting officers and curators *ad litem* (rule 224), and for reports by local authorities and adoption agencies under sections 22(2) and 23 of the 1978 Act (rule 222).

SI 1984/997
ISBN 0-11-046997-6



780110 469973