

SUPREME COURT, NORTHERN IRELAND**PROCEDURE****The Rules of the Supreme Court (Northern Ireland) (No. 4) 1969.**

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. Order LXXIII of the Rules of the Supreme Court (Northern Ireland) 1936(b) shall be amended as follows:—

(1) In the title for the words "Adoption of Children Act (N.I.) 1950" there shall be substituted the words "Adoption Act (Northern Ireland) 1967".

(2) For Part II there shall be substituted the Part II set out in Schedule I hereto.

(3) Immediately after rule 12 the following rule shall be inserted:

"13. Subject to this Order, the provisions of Order LIX shall apply to an appeal from an order made by a county court under the Guardianship of Infants Act 1886 as though the appeal were brought under the County Court Appeals Act (Northern Ireland) 1964, from a decree made in exercise of the jurisdiction conferred by Part III of the County Courts Act (Northern Ireland) 1959."

2. For Forms 31-37 in Appendix L of the Rules of the Supreme Court there shall be substituted the Forms 31-40 in Schedule II hereto.

3. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 4) 1969 and shall come into force on 1st December 1969.

Dated 24th October 1969.

(Signed)

MacDermott.

L. E. Curran.

Robert Lowry.

E. W. Jones.

Maurice W. Gibson.

SCHEDULE I

Rule 1

**New Part II to be substituted for Part II of Order LXXIII
of the Rules of the Supreme Court**

PART II

ARRANGEMENT OF RULES IN THIS PART

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Interpretation

14.—(1) In this Part, unless the context otherwise requires—

“the Act” means the Adoption Act (Northern Ireland) 1967;

“adoption order” includes a provisional adoption order within the meaning of section 38 of the Act;

“interim order” means an interim order made under section 8 of the Act;

“the Judge” means the Lord Chief Justice or any other Judge designated by him to hear and determine proceedings under the Act;

“the Registrar General” means the Registrar General for Northern Ireland.

(2) In this Part a form referred to by number means the form so numbered in Appendix L or a form to the like effect.

Commencement of proceedings

15.—(1) All proceedings in the High Court under the Act shall be assigned to the Lord Chief Justice, or to a Judge designated by him, to be disposed of in Chambers.

(2) An application for an adoption order shall be made by originating summons in Form 31, the proposed adopter shall be the applicant and the infant shall be respondent.

(3) Notice to the welfare authority for the purposes of section 3(1)(b) of the Act may be given in Form 32.

When identity of applicant and infant confidential

16. Where any person intends to apply to the High Court for an adoption order and desires that his identity and that of the infant shall be kept confidential, he may, before taking out the originating summons, apply to the Chief Clerk, Royal Courts of Justice (Ulster), Chichester Street, Belfast, BT1 3JF, for a serial number to be assigned for the purposes of the proposed application and a number shall be assigned accordingly.

Appointment of guardian ad litem

17.—(1) Subject to paragraph (2), the welfare authority in whose area the applicant resides or an officer of that authority shall be the guardian ad litem of the infant for the purposes of the application and a copy of the summons shall be served on him.

(2) The Judge may, either of his own motion or on an application made by the applicant by summons, appoint any person who appears to him to be suitably qualified to be the guardian ad litem of the infant.

Entry of appearance

18. The guardian ad litem shall enter an appearance on behalf of the infant within ten days after service of the summons on him.

Previous proceedings

19. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant to the High Court or to a county court and that Court, after having heard the case, dismissed the application on its merits, the guardian ad litem shall bring the matter to the attention of the Judge and the application shall not be proceeded with unless the Judge is satisfied that there has been a substantial change in the circumstances of the case since the refusal of the previous application.

Evidence in support of application

20.—(1) Evidence in support of an application for an adoption order shall be given by means of an affidavit to which there shall be exhibited a statement in Form 33 and any document referred to in the statement.

(2) The affidavit may be filed on the issue of the summons and shall be filed within 14 days after the issue of the summons and a copy of the affidavit and the documents exhibited to it shall thereupon be served on the guardian ad litem.

Document signifying consent

21.—(1) Any document signifying the consent of a person to the making of an adoption order for the purposes of section 6 of the Act shall be in Form 34, and, if executed before the date of the applicant's statement shall be exhibited to the affidavit referred to in rule 20(1).

(2) If the document is executed outside the United Kingdom, it shall be sufficiently attested by any of the following persons—

- (a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or legal purpose;
- (b) a British consular officer;
- (c) a notary public; or
- (d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

(3) In this rule "regular armed forces of the Crown" means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955, the regular air force as defined by section 223 of the Air Force Act 1955, the Women's Royal Naval Service, Queen Alexandra's Royal Naval Nursing Service and Voluntary Aid Detachment serving with the Royal Navy.

Medical certificate from applicant

22. Except where the applicant or one of the applicants is the mother or father of the infant or the infant is over the upper limit of the compulsory school age, there shall be exhibited to the affidavit referred to in rule 20(1) a certificate of a fully registered medical practitioner as to the applicant's health, and if the applicant so desires, Form 35 may be used for the purposes of such a certificate.

Report on health of infant

23.—(1) Any report on the health of the infant which is to be used for the purposes of an application must be attached to the report made to the Judge by the guardian ad litem under rule 26(2).

(2) The report may be in Form 36.

Application for provisional order

24.—(1) An applicant for a provisional adoption order must produce evidence of the law of adoption in the country in which he is domiciled.

(2) The Judge may accept as evidence of that law an affidavit sworn by a person who is conversant with it and who practises, or has practised as a barrister or advocate in that country or is a duly accredited representative of the Government of that country in the United Kingdom.

(3) Where the applicant intends to make use of such an affidavit he should file it with the affidavit referred to in rule 20(1).

Notice of application

25. The guardian ad litem shall, as soon as practicable after he has entered an appearance, serve a notice in Form 37 on any parent or guardian of the infant who has signified his consent to the making of an adoption order.

Duties of guardian ad litem

26.—(1) With a view to safeguarding the interests of the infant before the Court the guardian ad litem shall, immediately after entering an appearance, so far as may be reasonably practicable—

- (a) investigate all the circumstances relevant to the proposed adoption including the matters alleged in the applicant's statement;
- (b) investigate those matters mentioned in rule 27;
- (c) carry out such other investigations as the Judge may direct.

(2) On completing his investigations the guardian ad litem shall make a confidential report in writing to the Judge and notify the applicant that he has done so.

(3) With a view to obtaining the direction of the Judge on any particular matter the guardian ad litem may at any time make such interim report to the Court as appears to him to be necessary.

Investigations by guardian ad litem

27.—(1) The guardian ad litem shall interview the applicant and shall ascertain—

- (a) particulars of all members of the applicant's household and their relationship (if any) to the applicant;
- (b) particulars of the accommodation in the applicant's home and the condition of the home;
- (c) the means of the applicant;
- (d) whether the applicant suffers or has suffered from any serious illness and whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;
- (e) in the case of an application by one only of two spouses, why the other spouse does not join in the application;
- (f) whether any person specified in the application as a person to whom reference may be made is a responsible person and whether he recommends the applicant with or without reservation;
- (g) whether the applicant understands the nature of an adoption order and, in particular, that the order, if made, will render him responsible for the maintenance and upbringing of the infant;
- (h) why the applicant wishes to adopt the infant;
- (i) such other information, including an assessment of the applicant's personality and, where appropriate, that of the infant, as has a bearing on the mutual suitability of the applicant and the infant and on the ability of the applicant to bring up the infant;
- (j) the applicant's religious persuasion, if any.

- (2) The guardian ad litem shall ascertain and inform the applicant—
 - (a) whether the infant has been baptised and, if so, the date and place of baptism and the christian names given to the infant at baptism;
 - (b) what treatment the infant has received with a view to immunising him against disease;
 - (c) whether the infant has any right to, or interest in, any property;
 - (d) whether an insurance policy for the payment of money for funeral expenses on the death of the infant has been effected.
- (3) The guardian ad litem shall obtain a medical report on the health of the infant which may be in Form 36 and ascertain whether the infant is able to understand the nature of an adoption order and, if he is, whether he wishes to be adopted by the applicant.
- (4) The guardian ad litem shall interview either in person or by an agent appointed by him for the purpose every individual to whom notice is given under rule 28(3) or who appears to the guardian ad litem to have taken part in the arrangements for the adoption of the infant.
 - (5) (a) The guardian ad litem shall obtain from every person, not being an individual to whom notice is required to be given under rule 28, such information concerning the infant as they have in their possession and which they consider might assist the Court in deciding whether or not the infant should be adopted by the applicant;
 - (b) Where such information is given in the form of a written report, the guardian ad litem shall append it to his own report to the Court.
- (6) The guardian ad litem shall ascertain when the mother of the infant ceased to have the care and possession of the infant and when and to whom the care and possession was transferred.
- (7) The guardian ad litem shall ascertain that every consent to the making of an adoption order in pursuance of the application is freely given and with full understanding of the nature and effect of an adoption order.
- (8) Where either parent of the infant is dead, the guardian ad litem shall inform the Court if he learns of any relation of the deceased parent who wishes to be heard by the Court on the question whether an adoption order should be made.
- (9) Where the infant is illegitimate, but no one is liable as the putative father to contribute to the maintenance of the infant by virtue of any order or agreement, the guardian ad litem shall inform the Court if he learns of any person claiming to be the father, who wishes to be heard by the Court on the question whether an adoption order should be made.
- (10) The guardian ad litem shall inform the Court if he learns of any other person or body who wishes or ought in his opinion to be heard by the Court on the question whether an adoption order should be made.
- (11) Where the applicant is not ordinarily resident in Northern Ireland, the guardian ad litem shall endeavour to obtain a report on the applicant's home and living conditions from a suitable agency in the country in which he is ordinarily resident.
- (12) The guardian ad litem shall draw the attention of the Court to the difference in age between the applicant and the infant if it is less than the normal difference in age between parents and their children.

Date for hearing application

28.—(1) Within 14 days after being notified by the guardian ad litem that he has made his report to the Judge, the applicant shall apply to the Chief Clerk to fix a date for the hearing of the application.

(2) The Chief Clerk shall, in accordance with any directions given by the Judge under rule 29(5), fix different dates or different times for the hearing of the application.

(3) The Chief Clerk shall inform the applicant and the guardian ad litem of the date and time fixed for the hearing and the applicant shall thereupon serve a notice in Form 38 on the following persons that is to say—

- (a) every person, not being an applicant, whose consent to the making of the order is required under section 4(1) of the Act;
- (b) any person or body having the rights and powers of a parent of the infant under section 104 or paragraph 14(1) of the Fifth Schedule of the Children and Young Persons Act (Northern Ireland) 1968;
- (c) unless otherwise directed, any person liable by virtue of any order or agreement to contribute to the maintenance of the infant;
- (d) the welfare authority to whom the applicant has given notice of his intention to apply for an adoption order under section 3(1)(b) of the Act, where such welfare authority is not the guardian ad litem;
- (e) any local authority or adoption society named in the application or in a form of consent as having taken part in the arrangements for the adoption of the infant;
- (f) any other person or body who in the opinion of the Judge ought to be served with notice of the hearing of the application.

(4) Any person served with a notice under paragraph (3) who wishes to object to the making of an adoption order must serve a notice in Form 39 on the Chief Clerk and the guardian ad litem.

Hearing of application

29.—(1) On the hearing of the application, any person on whom notice is required to be served under rule 28 may attend and be heard on the question whether an adoption order should be made.

(2) A local authority or other body may be represented by any officer or servant of the authority or body duly authorised in that behalf.

(3) Where a serial number has been assigned for the purposes of the application under rule 16, the proceedings must be conducted with a view to securing that the applicant is not seen by or made known to any party who is not already aware of his identity except with his consent.

(4) Evidence may be given orally or by affidavit, but where the evidence of any person is on affidavit, the Judge may require such person to give oral evidence.

(5) The Judge may direct that any of the parties shall attend separately and apart from the others or that any party, including the infant, shall be interviewed privately.

(6) The Judge may refuse to make an adoption order unless all parties, including the infant, shall attend before him, but he may, in his discretion, dispense with the attendance of any party, including the infant, as the circumstances of the case may require.

Further hearing date after interim order

30.—(1) Where an interim order is made and the application is postponed without a date being fixed for a further hearing, the applicant shall, at least two months before the expiration of the period specified in the interim order, obtain a date for the further hearing of the application from the Chief Clerk and, if he fails to do so, the guardian ad litem shall obtain such date.

(2) When the date for the further hearing is fixed the applicant shall, unless the Judge otherwise directs, serve a notice in Form 40 on every person on whom notice is required to be served under rule 28.

Form and transmission of orders

31. The Chief Clerk shall be the prescribed officer for the purposes of section 24(6) of the Act and he shall, upon the making of an adoption order or an amendment to such an order, forward a sealed copy of the order or amendment, as the case may be, to the Registrar General and the applicant by recorded delivery in an envelope marked "Confidential".

When copies of adoption orders may be supplied

32.—(1) The Registrar or the Chief Clerk, as the case may be, shall not supply a copy of an adoption order, an order amending an adoption order or an interim order unless—

- (a) in accordance with the provisions of rule 31;
- (b) at the request of the Registrar General or the applicant;
- (c) on the application of any person on the order of the Judge.

(2) This rule applies to an adoption order or an interim order made under the Adoption Act (Northern Ireland) 1950 or any enactment repealed by that Act as it applies to an adoption order or interim order made under the Act.

Amendment of adoption orders and revocation of directions

33.—(1) An application under section 25(1) of the Act for the amendment of an adoption order or the revocation of a direction to the Registrar General may be made *ex parte* in the first instance in the proceedings in which the adoption order was made, but the Judge may require notice of the application to be served on such persons as he may think fit.

(2) Where an application is granted, the Chief Clerk shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and adopted person as given in the Schedule to the adoption order and either stating the amendments to the adoption order made by the Court or informing him of the revocation of the direction, as the case may be.

(3) Where an adoption order made under the Adoption of Children Act (Northern Ireland) 1929 is amended, the said notice shall specify all the particulars to be entered in the Adopted Children Register.

Keeping of documents

34. All documents relating to proceedings under the Act, or any enactments repealed by the Act, shall, while they are in the custody of the Court, be kept in a place of special security.

Keeping of information

35. Any information obtained by any person in the course of, or relating to, proceedings under the Act shall be treated as confidential and must not be disclosed unless—

- (a) the disclosure is necessary for the proper exercise of his duties; or
- (b) the information is requested—
 - (i) by a court or public authority (whether within the United Kingdom or not) having power to authorise an adoption for the purpose of the discharge of its duties in that behalf; or
 - (ii) by a person who is authorised in writing by or on behalf of the Minister of Home Affairs for Northern Ireland to obtain the information for the purposes of research.

Application for return of infant

36.—(1) An application

- (a) under section 13 of the Act for leave to remove an infant from the care and possession of a person who has applied for an adoption order; or
- (b) under section 14 of the Act for the removal of the infant to a place of safety;

shall be made to the Judge by summons.

(2) The person who took out the summons shall serve a copy on the guardian ad litem and on any person to whom notice is required to be given under rule 28, not less than 10 clear days before the day appointed in the summons for the hearing.

(3) Where leave is refused, the person who took out the summons shall serve notice of the refusal on any person so served who was not present when the application was determined.

(4) Where leave is granted, the Judge may treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.

Transfer to county court

37. Where the Judge is of opinion that by reason of any special circumstances an application under the Act for an adoption order should be dealt with in the county court, he may by order transfer the matter to a county court and any matter so transferred shall be heard and determined in accordance with the rules of the county court as if it had been commenced by petition in that court.

Service of documents

38.—(1) For the purposes of this Part of this Order any document may be served—

- (a) on a corporation or body of persons by delivering it at or by sending it by recorded delivery to the registered or principal office of the corporation or body;
- (b) on any other person by delivering it to him or by sending it by recorded delivery to his last known or usual place of abode.

(2) A document sent by recorded delivery shall be deemed to be served at the time when it is delivered.

SCHEDULE II

Rule 2

**FORMS 31-40 to be substituted for Forms 31-32 in
Appendix L of the Rules of the Supreme Court**

ARRANGEMENT OF FORMS RELATING TO ADOPTION

- Form 31 Originating summons
- Form 32 Notice to welfare authority under section 3(1)(b) of Act
- Form 33 Statement in support of application for adoption order
- Form 34 Consent to an adoption order
- Form 35 Medical certificate as to health of applicant
- Form 36 Medical report on health of infant
- Form 37 Notice of application for adoption order
- Form 38 Notice of hearing of application for adoption order
- Form 39 Notice of objection to making of adoption order
- Form 40 Notice of further hearing of application for adoption order

**ORIGINATING SUMMONS ON APPLICATION FOR AN ADOPTION
ORDER OR A PROVISIONAL ADOPTION ORDER**

19 . No.

In the High Court of Justice in Northern Ireland.

IN THE MATTER OF ^[1] and an infant,

IN THE MATTER OF the Adoption Act (Northern Ireland) 1967.
Let of within ten days after service
of this summons, cause an appearance to be entered for him to this summons
which is issued upon the application of ^[2] of
for an order:—

That the applicant be authorised to adopt [*or* be granted a provisional
adoption order in respect of] the said

Dated the day of 19 .

This summons was taken out by of
solicitor for the applicant.

The respondent may appear hereto by entering appearance either personally
or by a solicitor at the Central Office, Royal Courts of Justice, Belfast,
BT1 3JF.

If the respondent does not enter appearance within the time and at the
place above mentioned, such order will be made and proceedings taken as the
Judge may think just and expedient.

NOTES:

[1] Enter the name(s) and surname of the infant or the serial number which is
assigned to the case.

[2] Enter name and address of applicant or serial number assigned to the
case.

**NOTICE TO WELFARE AUTHORITY UNDER SECTION 3(1)(b) OF
THE ADOPTION ACT (NORTHERN IRELAND) 1967, OF INTENTION
TO APPLY FOR AN ADOPTION ORDER OR A PROVISIONAL
ADOPTION ORDER**

To the Welfare Authority; ^[1]

I/We of
hereby give notice as required by section 3(1)(b) of the Adoption Act (Northern
Ireland) 1967, of my/our intention to apply for an adoption order [*or* provisional

adoption order] in respect of
aged sex
possession at

an infant
who is in my/our care and

(Date)

Signed ^[2]

NOTES:

[1] Name of welfare authority in whose area applicant is resident or if applicant not ordinarily resident in Northern Ireland name of welfare authority in whose area he is living.

[2] Where application is made jointly by spouses notice shall be in joint names and both shall sign *unless* they are not, or one of them is not, ordinarily resident in Northern Ireland, when notice may be given by either of the applicants.

This notice must *not* be given before the infant attains the age of six weeks and must be received by the welfare authority three months before the order is made.

No. 33

Rule 20(1)

**STATEMENT IN SUPPORT OF APPLICATION FOR AN ADOPTION
ORDER OR A PROVISIONAL ADOPTION ORDER ^[1]**

[Heading as in Form 31]

[Every paragraph must be completed or deleted, as the case may be.]

I, the undersigned /We, the undersigned
being desirous of adopting [or obtaining a provisional adoption order in respect
of] ^[2], an infant, under the Adoption Act
(Northern Ireland) 1967, hereby give the following particulars in support of
my/our application.

PART I

Particulars of the applicant(s)

1. Name of [first] applicant in full
Address ^[3]
Occupation
Date of birth
Relationship (if any) to the infant
2. Name of second applicant in full
Address ^[3]
Occupation
Date of birth
Relationship (if any) to the infant
3. I am/We are resident and domiciled in Northern Ireland.
[or I am/We are domiciled in the United Kingdom,
or in the Isle of Man, or any of the Channel Islands, and resident in Northern
Ireland.]
[or I am/We are domiciled, but not ordinarily resident, in Northern Ireland.]
[or I am/We are not domiciled in Northern Ireland.]

4. I am unmarried/a widow/widower/ I am married to of /We are married to each other and are the persons described as and in the marriage certificate (or other evidence of marriage) exhibited to my/our affidavit verifying this statement.

[5. The consent of my husband/wife to the making of an adoption order/a provisional adoption order in pursuance of my application is exhibited to my said affidavit [or I request the Judge to dispense with the consent of my husband/wife on the ground that [4], [5]

6. A certificate as to my/our health, signed by a fully registered medical practitioner is exhibited to my/our said affidavit.] [6]

PART II

Particulars of the infant

7. The infant is of the sex and is not and has not been married. He/She was born on the day of 19, and is the person to whom the birth/adoption certificate [7] exhibited to my/our said affidavit relates [or was born on or about the day of 19, in]. [8]

8. The infant is the child/adopted child [9] of [10] whose last known address was [or deceased] and [11] whose last known address was [or deceased].

[9. The guardian(s) of the infant is/are of [and of].] [12]

10. A document/documents signifying the consent of the said to the making of an adoption order/a provisional adoption order in pursuance of my/our application is/are exhibited to my/our said affidavit. [13]

[11. I/We request the Judge to dispense with the consent of on the ground that [14] .]

[12. The Welfare Authority [or] of has/have the rights and powers of a parent of the infant.] [15]

[13. of is liable by virtue of an order made by the court at on the day of 19, [or by an agreement dated the day of 19,] to contribute to the maintenance of the infant.] [16]

14. If an adoption order/a provisional adoption order is made in pursuance of this application the infant is to be known by the following names—
Surname
Other names

PART III

General

15. The infant was received into my/our care and possession on the day of 19 , and has been continuously in my/our care and possession since that date.

[16. I/We notified the Welfare Authority on the day of 19 , of my/our intention to apply for an adoption order/a provisional adoption order in respect of the infant.] ^[17]

17. I have not made/neither of us has made a previous application for an adoption order/a provisional adoption order in respect of the infant [except an application No. made to the Court at which was heard on the day of 19 , and was dealt with as follows]. ^[18]

18. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of the adoption order/provisional adoption order [except as follows]. ^[19]

19. As far as I/we know, no person or body has taken part in the arrangements for placing the infant in my/our care and possession [except]. ^[20]

[20. For the purposes of this application reference may be made to of]. ^[21]

[21. I/We desire that my/our identity/or that of the infant should be kept confidential and the serial number of this application is]. ^[22]

[22. I/We intend to adopt the infant under the law of or within ^[23] and for that purpose I/we desire to remove the infant from Northern Ireland.] ^[24]

Usual signature of applicant(s)

NOTES:

[1] This statement must be verified by affidavit, to which the statement, marriage certificate and other documents referred to in the statement should be separately exhibited.

[2] Enter the first name(s) and surname as shown in any certificate referred to in entry No. 7; otherwise enter the first name(s) and surname by which the infant was known before being placed for adoption.

[3] Insert the applicant's present address and, where he is not ordinarily resident in Northern Ireland, the place where he ordinarily resides.

[4] The consent of the applicant's spouse may be dispensed with if the Court is satisfied that he or she cannot be found or is incapable of giving his or her consent or that the spouses have separated and are living apart and the separation is likely to be permanent.

[5] This entry should be deleted if the application is made jointly by husband and wife or the applicant is unmarried.

[6] A separate medical certificate is required in respect of each applicant. There is an official form (Form No. 35) which may be used for this purpose. No certificate, however, need be supplied if the applicant, or one of the applicants, is the father or mother of the infant or the infant has reached the upper limit of the compulsory school age.

[7] If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be supplied and not a certified copy of the original entry in the Register of Births.

[8] Where a certificate is not supplied, enter the place (including country) of birth, if known.

[9] If the infant has previously been adopted, give the names of his adoptive parents and not those of his natural parents.

[10] Enter mother's name.

[11] Enter name of father, if known.

[12] Guardian means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Act 1886, or by a court of competent jurisdiction, to be a guardian.

[13] Enter the names of the persons mentioned in entries Nos. 8 and 9 except, in the case of an illegitimate infant, his father.

[14] The consent of a parent or guardian may be dispensed with if the Court is satisfied the person whose consent is required has abandoned, neglected or persistently ill-treated the infant, or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian, or cannot be found, or is incapable of giving his consent or is withholding his consent unreasonably, or in any other case is a person whose consent ought in the opinion of the Court to be dispensed with.

[15] This entry should be deleted except where some person or body has the rights and powers of a parent of the infant by virtue of section 104 of the Children and Young Persons Act (Northern Ireland) 1968, or paragraph 14(1) of the Fifth Schedule to that Act.

[16] This entry should be deleted except where some person or body is liable to maintain the infant under a court order or agreement.

[17] Notice does not have to be given if the applicant or one of the applicants is a parent of the infant or if at the time of hearing the infant will have reached the upper limit of the compulsory school age.

[18] The Court cannot proceed with the application if a previous application made by the same applicant in respect of the said infant has been heard and dismissed on its merits, unless there has been a substantial change in the circumstances since the previous application.

[19] Any such payment or reward is illegal except payment to an adoption society or local authority in respect of their expenses incurred in connection with the adoption.

[20] Enter the name of any welfare authority, adoption society or individual who has taken part in the arrangements for placing the infant in the care and possession of the applicant with a view to his adoption.

[21] Where the applicant, or one of the applicants, is a parent of the infant or a relative as defined by section 46(1) of the Adoption Act (Northern Ireland) 1967 no referee need be named.

[22] If the applicant wishes his identity, or that of the infant, to be kept confidential the serial number obtained under Order LXXIII rule 16 of the Rules of the Supreme Court 1936 should be given; otherwise this entry should be deleted.

[23] Where the application is for a provisional adoption order insert the country in which the applicant is domiciled. The applicant must provide evidence of the law of adoption in that country. For this purpose the Judge may accept an affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the Government of that country in the United Kingdom. Any such affidavit must be filed with the affidavit verifying this statement.

[24] This entry should be deleted except where the application is for a provisional adoption order.

No. 34

Rule 21

CONSENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

Whereas an application is to be/has been made by
[and [or under the serial number] ^[1] for an
adoption order [or a provisional adoption order] in respect of ^[2]
an infant;

[And whereas the infant is not less than six weeks old;] ^[3]

[And whereas the infant is the person to whom the birth certificate ^[4] now produced and shown to me marked "A" relates] ^[5]:

I, the undersigned of being ^[6] the
mother/father ^[7] /guardian ^[8] of the infant, hereby state as follows:

1. I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent/guardian and to transfer them to the applicant(s) [or I understand that the effect of a provisional adoption order will be to enable the applicant(s) to remove the infant from Northern Ireland for the purpose of adopting him/her abroad and to give the applicant(s) custody of the infant pending his/her adoption]; and in particular I understand that if an order is made I shall have no right to see or get in touch with the infant or to have him/her returned to me.

2. I further understand that the Court cannot make an adoption order without the consent of each parent or guardian of the infant unless the Court dispenses with a consent on the ground that the person concerned has abandoned, neglected or persistently ill-treated the infant, or cannot be found, or is incapable of giving consent, or is unreasonably withholding consent or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian, or in any other case is a person whose consent ought in the opinion of the Court to be dispensed with.

3. I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the Court that I no longer consent ^[9].

4. I hereby consent to the making of an adoption order/provisional adoption order in pursuance of the application [on condition that the religious persuasion in which the infant is proposed to be brought up is ^[10].

5. As far as I know, no other person or body has taken part in the arrangements for placing the infant in the care and possession of the applicant(s) [except of] [11].

(Signature)

This form, duly completed, was signed by the said before me [12] at on the day of 19 .

Signature
Address
Description

Warning. It is an offence to receive or give any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of an adoption order, other than a payment to a local authority or adoption society for their expenses incurred in connection with the adoption.

NOTES:

[1] Insert either the name of the applicant or the serial number assigned to the applicant for the purpose of the application.

[2] Insert the name(s) and surname as known to the consenting party.

[3] Delete the words in square brackets except where the consenting party is the mother. The mother's consent cannot be given before the infant is six weeks old.

[4] If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births and the description of the consenting party should include the words "by adoption" where appropriate.

[5] Delete the words in square brackets except where the consenting party is the mother or father of the infant and the birth certificate has not already been identified by the other parent.

[6] Delete all but one of the descriptions which follow.

[7] "Father" does not include the natural father of an illegitimate child.

[8] "Guardian" means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Act 1886, or by a Court of competent jurisdiction, to be guardian of the infant.

[9] Notice will be given of the making of the application and of the Court by which it is to be heard. While an application is pending the consenting parent or guardian cannot remove the infant from the care and possession of the applicant, except with the leave of the Court.

[10] Delete the words in square brackets if no condition as to religious upbringing is imposed.

[11] Enter the name of any local authority, adoption society or person who is known to have arranged, or to have taken part in the arrangements, for the infant to be placed in the care and possession of the applicant.

[12] In Northern Ireland the document should be signed before a justice of the peace or a duly authorised officer of the Supreme Court or of a county court. In England or Wales it should be signed before a justice of the peace, a duly authorised county court officer or a justices' clerk and in Scotland before a justice of the peace or a sheriff. Outside the United Kingdom it should be signed before a person authorised to administer an oath for any judicial or legal purpose, a British consular officer, a notary public or, if the person signing it is serving in the armed forces, a commissioned officer.

MEDICAL CERTIFICATE AS TO HEALTH OF APPLICANT

I examined _____ on _____
and have formed the opinion that he is physically, mentally and emotionally
suitable to adopt a child.

Signature

Date

Qualifications

Address

MEDICAL REPORT ON HEALTH OF INFANT

Child's name	Date of birth	Sex	Weight	Height
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A General condition.

Skin.

Eyes (including vision).

Ears (including hearing).

Nose and throat.

Speech.

Cardio-vascular system.

Respiratory system.

Alimentary system.

Genito-urinary system (including examination of urine for albumen and sugar).

Skeletal and articular system (including examination for congenital dislocation of hip).

Nervous system (including fits).

Lymphatic system.

Any other comments.

Is the child physically normal having regard to his age?

B Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his age?**C Particulars of any illnesses from which the child has suffered.****D If known,**

Weight at birth (if child is under one year of age).

Details of birth, including result of mother's serological tests for syphilis.

Particulars, with dates, of vaccination or immunization against—

Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine).

Smallpox.

- Diphtheria.
- Whooping cough.
- Poliomyelitis.
- Tetanus.
- Any other disease.

E (i) (To be completed only in the case of a child at least six weeks old at the time of the test)

Result of suitable serological test of the child's blood for syphilis (please specify test)

(ii) (To be completed only in the case of a child at least seven days old at the time of the examination)

Result of examination of child's blood for phenylalanine

(iii) (To be completed only in the case of a child at least six weeks and under two years old at the time of the examination and only where such examination is considered necessary)

Result of examination of the child's urine for phenylpyruvic acid

(iv) (To be completed only where any other test or examination has been carried out)

Nature and result of test or examination (if any)

I examined this child on the _____ day of _____ 19 _____

Signature

Date

Qualifications

Address

No. 37

Rule 25

NOTICE OF APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

To [1] _____ of _____

Whereas an application has been made [by _____ / _____ and _____] [2] or [under the serial number _____] for an adoption order/a provisional adoption order in respect of [3] _____, an infant;

And whereas I _____ am the guardian ad litem of the said infant:

It would assist the Court if you would complete the attached form and return it to the Chief Clerk, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. Where it is intended to oppose the application Form 39 must be completed and sent to the Chief Clerk.

Signature of applicant's solicitors

NOTES:

[1] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 33 (paragraph 21). In that case complete the second entry in square brackets.

[2] Enter the name(s) and surname as known to the person to whom the notice is given.

[3] Form A should be completed and Form B struck out where the notice is addressed to a local authority, an adoption society, any other body of persons or the spouse of the applicant, or where the applicant does not desire his identity to be kept confidential (see Form 33 paragraph 21). Where a serial number is specified in that paragraph and the notice is addressed to an individual, Form A must be struck out and Form B completed.

[4] Enter the grounds specified in Form 33 (entry No. 11).

[5] Delete the words in square brackets if inapplicable.

..... Perforation

To—The Chief Clerk. Royal Courts of Justice, Belfast, BT1 3JF.

I have received notice of the hearing of the application for an adoption order/a provisional adoption order in respect of
, an infant.

*Delete one or other alternative I *do/do not wish to oppose the application.
I *do/do not wish to attend and be heard on the question whether an adoption order/a provisional adoption order should be made.

(Date)

Signature

Address

No. 39

Rule 28(4)

NOTICE OF OBJECTION TO MAKING OF ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER

To the Chief Clerk,
Royal Courts of Justice (Ulster),
Chichester Street,
Belfast, BT1 3JF.

I have received notice of the hearing of a summons for an adoption order/provisional adoption order serial number (as at top of notice) in respect of , an infant.

I intend to object to the making of an adoption order and wish to be heard on the hearing of the summons. My objections may be summarized as follows—

(Date)

Signature

Address

No. 40

Rule 30(2)

NOTICE OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

To _____ of _____

Whereas an application has been made [by _____ / and _____] ^[1] or [under the serial number _____] for an adoption order/a provisional adoption order in respect of _____, an infant ^[2];

And whereas _____ of _____ is the guardian ad litem of the said infant;

And whereas the determination of the said application was postponed and an interim order was made by the Judge on the _____ day of _____ 19 _____.

Take notice:

A. ^[3] [That the said application will be further heard before the Judge at the Royal Courts of Justice, Belfast, BT1 3JF on the _____ day of _____ 19 _____, at the hour of _____ in the _____ noon and that you may then attend and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B. ^[3] [That if you wish to attend and be heard on the question whether an adoption order/a provisional adoption order should be made, you should notify me on or before the _____ day of _____ 19 _____, in order that a time may be fixed for your attendance.]

It would assist the Court if you would complete the attached form and return it to the Chief Clerk.

Dated the _____ day of _____ 19 _____.

Signature of applicant's solicitors

NOTES:

[1] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 33 (paragraph 21). In that case complete the second entry in square brackets.

[2] Enter name(s) and surname as known to the person to whom the notice is given.

[3] Form A should be completed and Form B struck out where the notice is addressed to a local authority, an adoption society or any other body of persons or where the applicant does not desire his identity to be kept confidential (see Form 33 paragraph 21). Where a serial number is specified in that paragraph and the notice is addressed to an individual, Form A must be struck out and Form B completed.

..... Perforation
To—The Chief Clerk. Royal Courts of Justice, Belfast, BT1 3JF.

I have received a notice of the further hearing of the application for an adoption order/a provisional adoption order in respect of _____, an infant.

*Delete one or other alternative. I *do/do not wish to oppose the application.
I *do/do not wish to attend and be heard on the question whether an adoption order/a provisional adoption order should be made.

(Date)

Signature
Address

EXPLANATORY NOTE

(This note is not part of the rules, but is intended to indicate their general purport.)

These amending rules, which relate to the adoption of children, substitute a new Part II for Part II of Order LXXIII of the Rules of the Supreme Court (Northern Ireland) 1936.

The new Part II prescribes the procedure to be followed in the High Court in respect of applications for the adoption of children and other matters under the Adoption Act (Northern Ireland) 1967.

These rules come into force on 1st December 1969.

1969. No. 289

[NC]

DISEASES OF ANIMALS

Prohibition on Importation of Dogs and Cats

ORDER, DATED 24TH DAY OF OCTOBER 1969, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTIONS 18, 23 AND 53 OF THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958.

The Ministry of Agriculture in exercise of the powers conferred on it by Sections 18, 23 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(a), and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and Commencement

1. This Order which may be cited as the Dogs and Cats (Importation from Great Britain, the Channel Islands and the Isle of Man) Order (Northern Ireland) 1969 shall come into operation on 27th October 1969.

Restriction on Importation of Dogs and Cats

2. A person shall not bring or cause to be brought into Northern Ireland from Great Britain, the Channel Islands or the Isle of Man, any dog or other member of the family *canidae*, or any cat or other member of the family *felidae* except under and in accordance with the conditions of a licence issued by the Ministry, or by an officer duly authorised by the Ministry.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 24th day of October 1969, in the presence of

(L.S.)

A. E. W. Steen,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order prohibits the importation of dogs and cats into Northern Ireland from Great Britain, the Channel Islands or the Isle of Man, except under the authority of a licence issued by the Ministry. Restrictions are already in force in relation to dogs and cats coming from all other countries except the Irish Republic.