
STATUTORY INSTRUMENTS

1976 No. 1768 (L.33)

MAGISTRATES' COURTS**The Magistrates' Courts (Adoption) Rules 1976**

Made - - - - - 25th October 1976
Laid before Parliament 4th November 1976
Coming into Operation 26th November 1976

The Lord Chancellor, in exercise of the powers conferred on him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b) and section 9 of the Adoption Act 1958(c) (as amended by paragraph 22 of Schedule 3 to the Children Act 1975(d)) and sections 2(2) and 3(2) of the Welsh Language Act 1967(e), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

GENERAL

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Adoption) Rules 1976 and shall come into operation on 26th November 1976.

Interpretation

2.—(1) In these Rules, the following expressions shall, unless the context otherwise requires, have the meaning hereby respectively assigned to them, that is to say:—

- “the Act of 1933” means the Children and Young Persons Act 1933(f);
- “the Act of 1948” means the Children Act 1948(g);
- “the Act of 1958” means the Adoption Act 1958;
- “the Act of 1969” means the Children and Young Persons Act 1969(h);
- “the Act of 1975” means the Children Act 1975;
- “application” means an application for an adoption order and
- “applicant” shall be construed accordingly;
- “child” means the person whom the applicant is applying to adopt;
- “Wales” means the area consisting of counties established by section 20 of the Local Government Act 1972(i) and
- “England” does not include any area in any of those counties;
- “regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955(j), the regular air force as defined by section 223 of the Air Force Act 1955(k), Queen Alexandra's Royal Naval Nursing Service and the Women's Royal Naval Service

(a) 1949 c. 101.
 (d) 1975 c. 72.
 (g) 1948 c. 43.
 (j) 1955 c. 18.

(b) 1952 c. 55.
 (e) 1967 c. 66.
 (h) 1969 c. 54.
 (k) 1955 c. 19.

(c) 7 & 8 Eliz. 2.c. 5.
 (f) 1933 c. 12.
 (i) 1972 c. 70.

and other expressions have the same meanings as in the Act of 1958 or the Act of 1975 as the case may be.

(2) In these Rules, unless the context otherwise requires, any reference to a rule or to a Schedule shall be construed as a reference to a rule contained in these Rules or to a Schedule hereto, and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

(3) In these Rules, any reference to a form shall be construed as a reference to the form so numbered in Schedule 1 or to a form to the like effect with such variations as the circumstances require.

(4) Any reference in these Rules to any provision made by or contained in any enactment or instrument shall, except so far as the context otherwise requires, be construed as a reference to that provision, as amended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Extent

3.—(1) These Rules shall apply only to proceedings under Parts I and III of the Act of 1958 and Part I of the Act of 1975 before juvenile courts.

(2) These Rules shall apply in relation to an application made before 26th November 1976 the hearing of which or any other duty or business in connection with which has not been completed before the said date as they apply to applications made on or after that date, so however that no inquiry or certificate shall be required which would not have been required by the rules in force immediately before that date and any inquiry, appointment or order made, notice issued, consent or agreement given, declaration made or attested or other thing done under any of the rules revoked by these Rules in relation to such an application shall be deemed to have been made, attested, given or done under these Rules.

COMMENCEMENT ETC., OF PROCEEDINGS

The application

4.—(1) An application shall be in Form 1 and shall be made to a juvenile court acting for the area within which the child is at the date of the application, by delivering it, or sending it by post to that court, together with all documents referred to in the application.

(2) The proposed adopter shall be the applicant and the respondents shall be:—

- (a) every person, not being an applicant, whose agreement to the making of the adoption order is required under section 12 of the Act of 1975;
- (b) any local authority having the parental powers and duties of a parent or guardian of the child by virtue of section 24(2) of the Act of 1969;
- (c) any local authority in whom the parental rights and duties with respect to the child are vested, whether jointly or not, by virtue of section 2 of the Act of 1948;
- (d) any person liable by virtue of any order or agreement to contribute towards the maintenance of the child;

- (e) in the case of an application made after the coming into force of section 60 of the Act of 1975, any voluntary organisation in whom the parental rights and duties with respect to the child are vested, whether jointly or not, by virtue of that section;
 - (f) the local authority to whom the applicant has given notice of his intention to apply for an adoption order under section 3(2) of the Act of 1958;
 - (g) any local authority or adoption society named in the application or in a form of agreement as having taken part in the arrangements for the adoption of the child;
 - (h) any other local authority having the child in its care under any enactment;
 - (i) any voluntary organisation having the care of a child as defined by section 88(b) of the Act of 1975;
 - (j) in a case where the applicant proposes to rely upon section 11(1)(b)(ii) of the Act of 1975, the spouse of the applicant.
- (3) The court may at any time direct that any other person (not being the child) or body of persons be made respondent to the application.
- (4) The applicant shall supply to the justices' clerk two copies of his application.

Application for a serial number

5. If any person proposing to apply to a juvenile court for an adoption order desires that his identity should not be disclosed, he may, before making his application, apply to the justices' clerk for a serial number to be assigned to him for the purposes of the proposed application, and the clerk shall assign to him a number.

EVIDENCE

Agreement to making of adoption orders

6.—(1) Any document signifying the agreement of any person to the making of an adoption order for the purposes of section 6 of the Act of 1958 may be in Form 2.

(2) If the said document is executed outside the United Kingdom, it shall be sufficiently attested for the purposes of section 6(3) of the Act of 1958 if it is 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 other 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) Where the applicant intends to request the court to dispense with the agreement of a parent or guardian of the child on any of the grounds specified in section 12(2) of the Act of 1975, the request shall, unless otherwise directed, be made in the application, or if made subsequently, by notice to the court to which the application was made, and there shall be attached to that application, or notice, a statement of the facts on which the applicant intends to rely.

(4) Where a serial number has been assigned to the applicant under rule 5, the

statement of facts filed under paragraph (3) shall be framed in such a way as not to disclose the identity of the applicant.

Health

7.—(1) Subject to paragraph (2), there shall be filed with the application—

- (a) a certificate of a fully registered medical practitioner as to the health of each applicant which may, if the applicant so desires, be in Form 3, and
- (b) a report by such a practitioner on the health of the child which may, if the applicant so desires, be in Form 4, and must be made, in the case of a child less than one year old on the date of the application, during the month preceding that date, or in any other case, during the period of six months preceding the date of the application.

(2) Paragraph (1) does not apply if the applicant or one of them is the mother or father of the child, or if the child has reached the upper limit of the compulsory school age.

JURISDICTION

Preliminary examination of jurisdiction

8. If it appears that the court—

- (a) may be required to dismiss the application pursuant to section 10(3) or 11(4) of the Act of 1975, or
- (b) may be precluded, by virtue of section 22(4) of the Act of 1975, from proceeding to hear the application, or
- (c) may, for any other reason appearing in the application, have no jurisdiction to make an adoption order,

the justices' clerk shall bring the relevant matter to the attention of the court and the application shall not be proceeded with unless the court gives directions as to the further conduct of the application.

THE GUARDIAN AD LITEM

Appointment of a guardian ad litem

9.—(1) Subject to the provisions of rule 8, the court shall, as soon as practicable after an application is made, appoint a guardian *ad litem* of the child and shall furnish him with a copy of the application, together with all documents referred to in the application.

(2) The person appointed guardian *ad litem* shall be—

- (a) if the local authority concerned consents, the Director of Social Services of that local authority or an officer or servant of that authority who assists the Director of Social Services in the exercise of his functions;
- (b) a probation officer; or
- (c) if, in any particular case, the court considers that it is not reasonably practicable or that it would be undesirable to appoint one of the afore-said persons, some other person who appears to the court to be suitably qualified:

Provided that no person shall be appointed guardian *ad litem* if—

- (i) he has the parental rights and duties in respect of the child or has taken part in the arrangements for the adoption of the child; or
- (ii) he is a member, officer or servant of a local authority, adoption society or other body of persons which has the rights and duties of a parent of the child or which has taken part in the arrangements for the adoption of the child.

(3) Where the Director of Social Services of a local authority is appointed guardian *ad litem*, he may carry out his duties and appear before the court personally or be represented by any other officer or servant of that authority who assists the Director of Social Services in the exercise of his functions.

Report of guardian ad litem

10.—(1) With a view to safeguarding the interests of the child before the court the guardian *ad litem* shall, so far as is reasonably practicable—

- (a) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the application and those specified in Schedule 2; and
- (b) perform such other duties as are specified in the said Schedule or as the court may direct.

(2) On completing his investigations the guardian *ad litem* shall make a report in writing to the court.

(3) With a view to obtaining the directions of the court 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.

(4) Any report made to the court under this rule shall be confidential.

NOTICE OF HEARING, ETC.

Notices

11.—(1) At the time of appointing the guardian *ad litem*, the court shall fix a time for the hearing of the application and shall serve—

- (a) notice on the applicant in Form 5 and a copy thereof on the guardian *ad litem*, and
- (b) notice on the respondents to the application in Form 6 and a copy thereof on the guardian *ad litem*.

(2) A note of service or non-service shall be endorsed on a copy of Form 6.

(3) The court shall serve upon the guardian *ad litem* a copy of the application, together with the documents attached thereto.

Extra information where court is to be asked to dispense with agreement

12.—(1) Where a request has been made to the court under rule 6(3), the justices' clerk shall, where practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement referred to in that rule.

(2) Where a serial number has been assigned to the applicant under rule 5, the statement given under paragraph (1) shall be framed by the court in such a way as not to disclose the identity of the applicant.

(3) If the request is made by notice under rule 6(3), the justices' clerk shall also send a copy of the notice and of the statement attached to it to the guardian *ad litem*.

Notice in respect of child

13. If the guardian *ad litem* reports to the court that in his opinion the child is

of sufficient age and understanding to comprehend the nature of an adoption order, the court shall inform the applicant that the personal attendance of the child at the hearing is required.

THE HEARING

The attendance of the applicant

14. The court shall not make an adoption order or an interim order except after the personal attendance before the court of the applicant:

Provided that where the application is made by two spouses jointly, the court may dispense with the personal attendance of one of the applicants if the application is verified by a declaration made by that applicant and attested by a justice of the peace, a justices' clerk within the meaning of section 21 of the Justices of the Peace Act 1949(a), or, if made outside the United Kingdom, by a person specified in rule 6(2).

Attendance of child

15. If the applicant has been informed that the personal attendance of the child at the hearing is required, the court shall not make an adoption order or an interim order unless—

- (a) the child has so attended or the court decides that there are special circumstances making his attendance unnecessary; and
- (b) the court is satisfied that the child has been informed of the nature and effect of the order, if made, and has been given an opportunity of expressing his wishes and feelings regarding the decision.

Right of address

16. Any officer or servant of a respondent which is a local authority or other body of persons, may address the court if he is duly authorised in that behalf.

Conduct of proceedings in serial number cases

17. If a serial number has been assigned to the applicant under rule 5, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any respondent who is not already aware of his identity except with his consent.

Court proceedings

18. Notwithstanding anything in section 47 of the Act of 1933, an application shall be heard and determined in camera.

Proof of identity of child, etc.

19.—(1) Where proof of the identity of the child is required for any purpose, any fact tending to establish his identity with a child to whom a document relates may be proved by affidavit.

(2) Where any such fact is proved by affidavit, the attendance of a witness at the hearing to prove that fact shall not be compelled unless the fact is disputed or for some special reason his attendance is required by the court.

(3) Where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth, and the date so determined may be specified in the adoption order as the date of his birth.

(4) Where—

- (a) the registration district and sub-district of birth of the child cannot be proved to the satisfaction of the court, or

- (b) the country of birth of the child cannot be proved to the satisfaction of the court,

then, if it is proved to the satisfaction of the court that the child was born in England or Wales, or it appears probable that he was born within the United Kingdom, the Channel Islands, or the Isle of Man, that child may be treated as having been born in the registration district and sub-district in which the court sits, and in any other case, the particulars of the country of birth may be omitted from the adoption order.

Order committing the child to the care of a local authority

20.—(1) This rule applies where the court refuses to make an adoption order in relation to a child under the age of 16 and proposes to make an order under section 17(1)(b) of the Act of 1975 committing the child to the care of a local authority.

(2) Where the local authority in whose area the child is resident is a party to the proceedings and is before the court when the adoption order is refused, the court may proceed forthwith to hear any representations from the local authority as to the making of an order under section 17(1)(b) or section 17(2) of the Act of 1975.

(3) Where the local authority in whose area the child is resident—

- (a) is not a party to the proceedings or is not before the court when the adoption order is refused; or
- (b) makes representations as to the making of an order under section 17(2) of the Act of 1975;

the justices' clerk shall fix a time for hearing any representations from the authority and from each parent of the child and shall, not less than 10 days before the date so fixed, send notice thereof to the authority, to the applicant, to the guardian *ad litem* and to each parent of the child, with, in the case of an authority which is not a party to the proceedings, a copy of the notice served on the respondents under rule 11(1)(b).

ORDERS

Notice to applicant of time of further hearing after interim order made

21.—(1) Where the determination of an application is postponed and an interim order is made, the court shall, on making the order or at any time thereafter but not less than one month before the expiration of the period during which the applicant has the custody of the child in accordance with the interim order and whether or not the applicant makes an application for the purpose, fix a time for the further hearing of the application.

(2) On fixing a time for the further hearing of an application, the court shall—

- (a) serve on the applicant a notice in Form 7;
- (b) serve on each respondent to the application a notice in Form 8; and
- (c) serve on the guardian *ad litem* a copy of each of the aforementioned notices.

Orders and abridged copies

22.—(1) Subject to rule 23, an adoption order shall be in Form 9 and within

seven days after the making of the order the justices' clerk shall send a copy of the order to the Registrar General.

(2) Subject to rule 23, within seven days after the making of an adoption order the justices' clerk shall deliver or send an abridged copy of the order in Form 10 to the applicant.

Orders made in Welsh courts

23.—(1) Where an adoption order is made by a court sitting in Wales in respect of a child who was born in Wales (or who is treated under rule 19(4) as having been born in the registration district and sub-district in which that court sits) and the adopter so requests before the order is drawn up—

- (a) the order shall contain a Schedule in Form 11 in place of the Schedule contained in Form 9, and
- (b) the abridged copy of the order shall contain a Schedule in Form 12 in place of the Schedule contained in Form 10.

(2) Where under this rule the Schedule in Form 11 is used, the adoption order shall specify in both English and Welsh the particulars to be entered in that Schedule and, in the case of any discrepancy between the English and Welsh text of any such particulars, the English text shall prevail.

Interim orders

24. An interim order shall be drawn up in Form 13, and within seven days after the making of the order the justices' clerk shall deliver or send a copy of the said order to the applicant.

Supply of copies of orders, etc.

25.—(1) The justices' clerk shall not supply a copy of an adoption order or of an interim order or an abridged copy of an adoption order except—

- (a) in accordance with the provisions of rules 22, 23 and 24; or
- (b) on the request of the Registrar General or the applicant or one of the applicants; or
- (c) on the application of any other person under an order of a juvenile court acting for the same petty sessions area as the juvenile court which made the adoption order or interim order.

(2) This rule applies to an adoption order made under the Act of 1958, the Adoption Act 1950(a) or any enactment repealed by that Act as it applies in relation to an adoption order made under the Act of 1975.

(3) Any copy, which is supplied under rule 22(2), 23, 25(1)(b) (other than to the Registrar General) or 25(1)(c), of an adoption order or interim order which was made after the coming into operation of these Rules shall consist of the body of the order and, in the case of an adoption order, the Schedule thereto, and shall not include the Appendix to the order.

Service of notice

26.—(1) On the determination of an application or on the making of an interim order, the justices' clerk shall serve notice that—

- (a) an adoption order has been made or refused; or

(b) an interim order has been made; or
(c) a supervision order under section 17 of the Act of 1975 has been made;
or
(d) an order committing the care of the child to a local authority has been made;
on all persons, served with notice under rule 11(1), who were not present when the court made its determination, or order.

(2) On a refusal to proceed with the application or withdrawal of the application, the justices' clerk shall serve notice that—

(a) the application in accordance with rule 8 was not proceeded with; or
(b) the applicant has withdrawn his application
on all persons served with a notice under rule 11(1).

(3) The justices' clerk shall serve notice of the order on any court in Great Britain which appears to him to have made any such order as is referred to in section 8(3) of the Act of 1975.

Amendment and revocation of orders

27.—(1) Any application made under section 24 of the Act of 1958 for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under section 26 of the said Act (or section 1(1) of the Adoption Act 1960(a)) for the revocation of an adoption order, shall be in Form 14, and shall be made to a juvenile court acting for the same petty sessions area as the juvenile court which made the adoption order, by delivering it or sending it by post to the clerk to the justices.

(2) Notice of the application shall be given by the court to such persons (if any) as the court specifies.

(3) Where an adoption order is amended or a direction revoked under section 24(1) or an adoption order is revoked under the said section 26, the justices' clerk shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and of the 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 or adoption order, as the case may be:

Provided that where an order made under the Adoption of Children Act 1926(b) is amended, the said notice shall specify in a form similar to Form 9, or Form 11 as the case may be, all the particulars to be entered in the Adopted Children Register.

CUSTODY OF CHILDREN AWAITING ADOPTION

Applications for removal of child

28.—(1) Subject to paragraph (3), a person wishing to apply to the court to grant leave for the removal of a child from the actual custody of an applicant under section 34, 34A(1) or 35 of the Act of 1958 (hereinafter in this rule referred to as "the said person") shall give notice in Form 15 to the court by delivering it or sending it by post to the clerk to the justices of the court hearing the application for the adoption order.

(2) Subject to paragraph (3) a person wishing to apply to the court to grant leave for the removal of a child from the actual custody of a prospective adopter under section 34A(2) of the said Act (hereinafter referred to in this rule as "the said person") shall give notice in Form 16 to the court by delivering it or sending

(a) 1960 c. 59.

(b) 1926 c. 29.

it by post to the clerk to the justices within whose area the child is, or where this is not known, within whose area that person lives.

(3) Where a complaint has been made to a juvenile court under rule 29, a person wishing to apply to the court under this rule for leave to remove a child to whom that complaint relates shall give notice in Form 14 or, as the case may be, Form 15 to the court by delivering it or sending it by post to the clerk to the justices of the court hearing the complaint.

(4) The court shall fix a time for the hearing of the application under this rule and shall serve notice of the time on the said person and—

(a) in any case to which paragraph (1) applies, on the applicant, the guardian *ad litem* and each respondent to the application for an adoption order (other than the said person) who can be found, or

(b) in any case to which paragraph (2) applies, on the prospective adopter, the local authority to whom notice of the intended adoption has been given and on such other person or body as the court may direct,

and any person upon whom notice is served under this paragraph (other than the said person and the guardian *ad litem*) shall be a respondent to the application under this rule.

(5) The justices' clerk shall serve a copy of the said notice in Form 14, or as the case may be in Form 15, on any person who under the provisions of the last preceding paragraph, is a respondent to the application under this rule.

(6) If a serial number has been assigned to the applicant under rule 5, the proceedings under this rule shall be conducted with a view to securing that, except with his consent, he is not seen by, or made known to, any other party to the application under this rule who is not already aware of the applicant's identity.

(7) Where an application is made to the court in accordance with paragraph (2), the justices' clerk shall, unless the court otherwise directs, inform the prospective adopter that, if he wishes to oppose the application, he should file his application for an adoption order within 10 days of the receipt of the notice mentioned in paragraph 4(b) or when he is heard on the application under this rule, whichever is the earlier.

(8) A court which gives directions under paragraph (7) above shall give further directions as to the conduct of the application under this rule and may appoint a guardian *ad litem* of the child.

(9) Where in the case of an application under paragraph (1) or under paragraph (2), leave to remove the child is granted, the court may then treat the hearing as the hearing of the application for an adoption order, and refuse an adoption order accordingly.

(10) Where an application under this rule is determined, the justices' clerk shall serve notice of the effect of the determination on all parties who were not present when the application was determined.

(11)(a) Rules 11, 18, 26(1) and 30 shall apply to proceedings under this rule as they apply to an application for an adoption order.

(b) Rule 31 shall apply to proceedings under this rule as it applies to proceedings under Part I of the Act of 1975 except that the requirement as to the particulars to be shown may be modified so far as circumstances require; and rule 32 shall apply accordingly.

(c) Rules 16 and 33 shall apply to proceedings under this rule as they apply to proceedings under Part I of the Act of 1975.

*Orders for return or prohibition of removal of child***29.**—(1) An application:—

- (a) under section 30(1) of the Act of 1975 for an order for the return of a child who has been removed, in breach of section 34 or 34A of the Act of 1958, from the custody of any such person, or
- (b) under section 30(2) of the Act of 1975 for an order directing a person not to remove the child from the custody of any such person,

shall be made by way of complaint—

- (i) if there is pending in respect of the child an application for an adoption order, to the juvenile court in which the application is pending;
- (ii) in any other case, to a juvenile court in whose area the applicant for an order under section 30 lives.

(2) A search warrant issued by a justice of the peace under section 30(4) of the Act of 1975 (which relates to premises specified in an information to which an order made under the said section 30(1) relates authorising a constable to search the said premises and if he finds the child to return the child to the person on whose application the said order was made) shall be in Form 10 of the Magistrates' Courts (Children & Young Persons) Rules 1970(a) (Warrant to search for or remove a child) or a form to the like effect.

(3) Where the court dismisses a complaint under paragraph (1), the court may then treat that hearing as the hearing of an application for an adoption order, and refuse an adoption order accordingly.

COSTS*Costs*

30.—(1) On the determination of an application or on the making of an interim order, the court may make such order as to costs as it thinks just and, in particular, may order the applicant to pay—

- (a) the out-of-pocket expenses incurred by the guardian *ad litem*; and
- (b) the expenses incurred by any respondent in attending the hearing or such part of those expenses as the court thinks proper.

(2) Determination of an application in this rule includes a refusal to proceed with the application or withdrawal of the application.

MISCELLANEOUS*Keeping of registers*

31. Such part of the register kept in pursuance of rules made under the Magistrates' Courts Act 1952(b), as relates to proceedings under Part I of the Act of 1975, shall be kept in a separate book and shall contain the particulars shown in Form 17 and the book shall not contain particulars of any other proceedings except proceedings under the Act of 1958, the Adoption Act 1950(c) or any Acts repealed by that Act.

32. The book kept in pursuance of rule 31 and all other documents relating to the proceedings mentioned in that rule while they are in the custody of the court shall be kept in a place of special security.

(a) S.I. 1970/1792 (1970 III, p. 5803).

(b) 1952 c. 55.

(c) 1950 c. 26.

Keeping of documents and information

33. Any information obtained by any person in the course of, or relating to, proceedings under Part I of the Act of 1958 or under Part I of the Act of 1975 shall be treated as confidential but shall be disclosed if—

- (a) the disclosure is necessary for the proper exercise of his duties; or
- (b) the information is required—
 - (i) by a court or public authority (whether within Great Britain 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 Secretary of State to obtain the information for the purpose of research; or
 - (iii) by the Registrar General, or by a person authorised in writing by him, where the information requested relates only to the identity of any registered adoption society or local authority which made arrangements for the adoption of the child, or of any local authority which was notified of the applicant's intention to apply for an adoption order in respect of the child, or, as the case may be, is to the effect that no such society so acted or no such notice was given in that case.

Service of documents

34. Unless otherwise directed, service of a document under these Rules—

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

Proceedings to be by way of complaint, etc.

35. Save in so far as special provision is made by these Rules, proceedings on an application shall be regulated in the same manner as proceedings on complaint, and accordingly for the purposes of this rule the application shall be deemed to be a complaint, the applicant to be a complainant, the respondents to be defendants and any notice served under these Rules to be a summons; but nothing in this rule shall be construed as enabling a warrant of arrest to be issued for failure to appear in answer to any such notice.

Revocation of Rules

36. The Adoption (Juvenile Court) Rules 1959(a), the Adoption (Juvenile Court) Rules 1965(b) and the Adoption (Juvenile Court) Rules 1973(c) are hereby revoked.

Dated 25th October 1976.

Elwyn-Jones, C.

(a) S.I. 1959/504 (1959 I, p. 1626).
(c) S.I. 1973/1118 (1973 II, p. 3424).

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

SCHEDULE 1

Rule 2(3)

FORMS

FORM 1

Rule 4

APPLICATION FOR ADOPTION ORDER

This Form must be lodged in duplicate, but duplicates of the attached documents need not be lodged. Every paragraph must be completed or deleted, as the case may be.

To the

Juvenile Court

PART I

Particulars of applicant(s)

1. Name of (first) applicant in full.....
 Address.....
 Occupation.....
 Date of birth
 Relationship (if any) to child
 [Name of second applicant in full.....
 Address.....
 Occupation.....
 Date of birth
 Relationship (if any) to child.....]
2. I am/We are/One of us (namely.....) is domiciled in England or Wales/Scotland/Northern Ireland/Channel Islands/Isle of Man.
3. I am a widow/widower/not married/divorced/I am married to.....
 of /We are married to each other and our marriage certificate (or other evidence of marriage) is attached
4. A. I am married and I require the court to dispense with an application from my husband/wife on the ground that:
 - i. he/she cannot be found; or
 - ii. we have separated and are living apart, and the separation is likely to be permanent; or
 - iii. my husband/wife is incapable of joining in the application because of mental or physical ill health.
 B. Particulars of Husband/Wife:
 Name
 Address (if known)

5. I/We attach a certificate as to my health/the health of each of us signed by a fully registered medical practitioner (1).

NOTE

- (1) A separate medical certificate is required in respect of each applicant. There is an official form (Form 3) which may be used for this purpose. No certificate, however, need be supplied if the child is the child of the applicant or either of them, or has reached the upper limit of the compulsory school age.

PART II

To be completed only by a single parent applying for an adoption order in respect of his/her own child.

6. I am applying on my own for an adoption order because:
- (i) the other natural parent is dead and I attach a copy of the death certificate; or
 - (ii) the other natural parent cannot be found (see statement attached) (2); or
 - (iii) the circumstances are.....
 -
 -

NOTE

- (2) The statement should include details of the last known whereabouts of the child's father/mother and any attempts that have been made to trace him/her.

PART III

Particulars of child

7. Name in full (3).....
8. The child is of thesex and is not and has not been married.
9. The child is the person to whom the attached birth or adoption certificate relates/ the child was born in.....on..... or about.....(4).
10. I/We attach a report as to the health of the child made by a fully registered medical practitioner (5) & (6).
11. The child is the child (7) of
 Name of mother
 Address.....
 and Name of father (8).....
 Address.....
12. The guardian(s) (9), if any, of the child is/are
 Name
 Address.....
13. I/We attach a document/documents signifying the agreement of the child's mother/father/guardian to the making of an adoption order authorising me/us to adopt the child.
14. I/We request the court to dispense with the agreement of the child's mother/father/guardian on the ground that the parent or guardian (10)
- (a) cannot be found or is incapable of giving agreement; ☐
 - (b) is withholding his agreement unreasonably; ☐
 - (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child; ☐
 - (d) has abandoned or neglected the child; ☐
 - (e) has persistently ill-treated the child; ☐
 - (f) has seriously ill-treated the child and (because of the ill-treatment or for other reasons) the rehabilitation of the child within the household of the parent or guardian is unlikely; ☐
- and I/we attach a statement of the facts on which I/we intend to rely in support of this request.

15. The following body or person has the rights and duties of a parent of the child or is the body into whose care the child was received (11):
 Name
 Address.....
16. The following person is liable by virtue of an order of a court or an agreement to contribute to the maintenance of the child (12).
 Name
 Address.....
- Particulars of court order or agreement:
 Name of court
 Date of order
 or Date of agreement.....
17. If an adoption order is made in pursuance of this application, the child is to be known by the following names:
 Surname
 Other Names

NOTES

- (3) Enter the surname and other names shown in the child's birth certificate or, if the child has been previously adopted, in the adoption certificate. If the child has no birth or adoption certificate enter the surname and other names by which the child was known before being placed for adoption.
- (4) If a child 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. Where a certificate is not attached, enter the place including the country of birth if known.
- (5) There is an official form (Form 4) which may be used for this purpose. No certificate need be supplied if the child is the child of the applicant or one of them, or has reached the upper limit of the compulsory school age.
- (6) If the child is less than one year old on the date of the application, the report should have been made during the month preceding that date. If the child is one year old or more on that date, the report should have been made during the period of six months before that date.
- (7) If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents.
- (8) Enter name of father if known.
- (9) Guardian means: (a) a person appointed by deed or will in accordance with provisions of the Guardianship of Infants Acts 1886 and 1925 or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be the guardian of the child, and (b) includes the father of an illegitimate child who has custody of the child by virtue of an order under section 9 of the Guardianship of Minors Act 1971, or under section 2 of the Illegitimate Children (Scotland) Act 1930.
- (10) Put a tick in the box against the grounds on which you are asking for the parent's or guardian's agreement to be dispensed with.
- (11) This entry should be deleted except (a) where any local authority has the parental rights and duties with respect to the child by virtue of section 24(2) of the Children and Young Persons Act 1969, or under section 2(11) of the Children Act 1948, (b) in the case of an application made after the coming into force of section 60 of the Children Act 1975 any voluntary organisation in whom the parental rights and duties with respect to the child are vested, (c) where the child was received into care under section 1 of the Children Act 1948, or (d) is in the care of a voluntary organisation within the meaning of section 88 of the Children Act 1975.
- (12) The making of an adoption order operates to extinguish any order of a court to make payments in respect of the child's maintenance in any period after the making of the adoption order (section 8(3) of the Children Act 1975).

PART IV

General

18. The child was received into my/our actual custody on theday of 19...., and has been continuously in my/our actual custody since that date (13).
19. The child has/has not had his home with me/us for the five years preceding the date of this application.
20. The child was placed with me/us by:
- (i) a local authority, adoption society or voluntary organisation
 Name
 Address.....
- (ii) the child's parent or guardian
 Name
 Address.....
- (iii) any other person
 Name
 Address.....
21. I/We/One of us (namely.....) notified the Council on the day of 19...., of my/our intention to apply for an adoption order in respect of the child (14).
22. I have not made/Neither of us has made a previous application for an adoption order in respect of the child; *or* (name of applicant)..... made an application No. to the court on the day of 19...., which was dealt with as follows (15):
23. No proceedings have been completed or commenced (other than for an adoption order) in any court in England or Wales or elsewhere relating in whole or in part to the child *except* application No. to the court on the day of 19...., which was dealt with as follows: (16)
24. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the child or for giving agreement to the making of the adoption order except as follows (17):
25. As far as I/we know, no person or body other than the one shown in paragraph 20 above has taken part in the arrangements for placing the child in my/our custody except:
 Name
 Address.....
26. For the purposes of this application reference may be made to (18) of (Address)

27. I/We desire that my/our identity should be kept confidential. The serial number of this application is(19).

I/We accordingly apply for an adoption order in respect of the child.

(Signature(s))

Dated the day of 19..

NOTES

- (13) Where the applicants are domiciled in Great Britain but one or both normally live abroad, the child must have had his or her home with one of them in Great Britain for three months before the date of the adoption order, and with both applicants together for at least one of those months.
- (14) Notice does not have to be given if the applicant or one of the applicants is a parent of the child or if at the time of the hearing the child will have reached the upper limit of the compulsory school age.
- (15) The court cannot proceed with the application if a previous application made by the same person in relation to the child was refused unless one of the conditions in section 22(4) of the Children Act 1975 is satisfied.
- (16) Delete this entry unless the application is made by (a) a married couple, one of whom is a parent and the other is a step-parent, or (b) a single person who is a step-parent. The court must dismiss such applications under sections 10(3) and 11(4) of the Children Act 1975 if it considers the matter would be better dealt with under section 42 (order for custody etc. in matrimonial proceedings) of the Matrimonial Causes Act 1973.
- (17) 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.
- (18) Where the applicant or one of the applicants is a parent of the child, or a relative as defined by section 57(1) of the Children Act 1975 no referee need be named.
- (19) If the applicant wishes his identity to be kept confidential the serial number obtained under rule 5 should be given.

FORM 2

Rule 6

AGREEMENT TO ADOPTION ORDER

1. I understand that an application for an adoption order has been or is to be made in respect of [to whom the birth/adoption certificate now produced and shown to me marked "A"] relates (1) (hereinafter called the child) by and or by a person or persons identified in the petty sessions area of under the serial number (hereinafter called the applicant) (2).....
2. I am the mother (3) father (4) guardian (5) of the child. I understand that the effect of an adoption order will be to deprive me permanently of my rights and duties as a parent or guardian and to transfer them to the applicant: 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 the child returned to me.
3. I understand that the court cannot make an adoption order 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;
 - (b) is withholding his or her agreement unreasonably;
 - (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child;
 - (d) has abandoned or neglected the child;
 - (e) has persistently ill-treated the child;
 - (f) has seriously ill-treated the child and (because of the ill-treatment or for other reasons) the rehabilitation of the child within the household of the parent or guardian is unlikely.

4. I further understand that, when the application for an adoption order 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 (6).
5. I hereby unconditionally agree to the making of an adoption order authorising the adoption of the child by the applicant.
6. As far as I know, no person or body has taken part in arranging for the child to be placed in the actual custody of the applicant except—(7)

Full name

Address

.....

Signature

Address

.....

Paragraphs 1, 2 and 6 of this Form having been duly completed, this Form was signed by the above-mentioned person before me at
on the day of 19....

Signature

Full name

Description (8)

Warning. It is an offence to receive or give any reward or payment for or in consideration of, the adoption of the child or for giving agreement 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 the surname and other names of the child as shown in the child's birth certificate, or, if the child has previously been adopted, his adoption certificate. If the child has no birth or adoption certificate, enter the surname and other names by which the child was known before being placed for adoption. The words in square brackets should be deleted except where the person agreeing to the child's adoption is the mother or father of the child and the child's birth or adoption certificate has not already been identified by the other parent.
- (2) Insert either the name(s) of the applicant(s) or the serial number assigned to the applicant(s) for the purpose of the application.
- (3) The agreement of the mother cannot be given before the child is six weeks old.
- (4) "Father", in this context, does not include the natural father of an illegitimate child; he may however be the guardian, as defined in Note 5 below.
- (5) "Guardian" means (a) a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925 or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be the guardian of the child, and (b) in relation to the adoption of an illegitimate child, includes the father where he has custody of the child by virtue of an order under section 9 of the Guardianship of Minors Act 1971, or under section 2 of the Illegitimate Children (Scotland) Act 1930.
- (6) Notice of the making of the application and of the court by which it is to be heard will be given. After the making of the application a parent or guardian who has agreed to the adoption cannot remove the child from the applicant except with the leave of the court.
- (7) 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 child to be placed in the actual custody of the applicant.
- (8) In England or Wales the agreement should be signed before a justice of the peace, or a justices' clerk or a duly authorised county court officer. In Scotland, it should be signed before a justice of the peace or a sheriff. In Northern Ireland it should be signed before a justice of the peace. 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 regular armed forces, a commissioned officer.

FORM 3

Rule 7(1)(a)

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

FORM 4

Rule 7(1)(b)

MEDICAL REPORT AS TO HEALTH OF CHILD

Note.

This Form is for a medical report on a child who may be adopted. The report is for the benefit of the adopters and the court. In order that the adopters may benefit fully from the report, it is important that the certifying doctor should explain to the adopters the nature and extent of any disability or abnormality disclosed by the examination which might affect their decision whether or not to adopt the child.

Child's name..... Date of birth.....

Sex..... Weight..... Height.....

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 BCG vaccine).

Smallpox.

Diphtheria.

Whooping cough.

Poliomyelitis.

Tetanus (active).

Any other disease.

E. (1) (Results of serological test for syphilis on the child's blood or the mother's blood carried out six weeks or later after the child's birth. Either test (a) or tests (b)(i) and (ii) may be carried out when the child is at least six weeks old; if test (b)(i) or (ii) is positive, test (a) must also be carried out.

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

(b) Result of suitable serological tests of the mother's blood for syphilis—

(i) reagin (please specify test)

(ii) verification (please specify test)

(2) (To be completed in the case of a child over six complete days (excluding the day of his birth) and under two years old at the time of test). Result of test of the child's blood for the purpose of estimating the level of phenylalanine therein

F. I examined the child on the day of 19.... and I have informed the adopters of the state of health of the child disclosed by the examination.

Signature

Address

Qualifications

Date

Rule 11(1)

FORM 5

NOTICE TO APPLICANT OF TIME OF HEARING

In the [county of Petty Sessional Division of].

To of

I hereby give notice that your application for an adoption order to be made in respect of (name of child) will be heard before the Juvenile Court sitting at
on the day of , 19 .. at o'clock
in the [county] aforesaid and that your attendance [and that of (name of child)] is required.

[TAKE NOTE that no adoption order can be made unless the child is present at the hearing and the court is satisfied that he has been informed of the nature of the order and that he has been given an opportunity of expressing his wishes and feelings regarding the decision.]

Dated the day of , 19 ..

(Signature)

Justice of the Peace for the [county]
first above-mentioned or Clerk of the Court

Rule 11(2)

FORM 6

NOTICE TO RESPONDENT OF APPLICATION FOR ADOPTION ORDER

In the [county of Petty Sessional Division of]

To

I hereby give notice that—

1. An application has been made by (name and address of applicant) or under the serial number for an adoption order to be made in respect of (identify the child);

2. of has been appointed guardian *ad litem*;
- *3. The application will be heard before the Juvenile Court sitting at
on the day of , 19 .., at o'clock
in [the county] aforesaid and you may then appear to be heard on the question whether
an adoption order should be made.
- OR
- *3. The application will be heard before the Juvenile Court sitting at
..... You may appear before the court and be heard on the question whether
an adoption order should be made.
- If you wish to appear, write to the Clerk of the Court at
on or before the day of , 19 .., in order that a
time may be fixed for your appearance.
4. While the application is pending you are not entitled,
- †(a) if you have signified your agreement to the making of an adoption order in
pursuance of the application, or
- (b) if the child has had his home with the applicant for the five years preceding
the application,
- to remove the child from the actual custody of the applicant except with the leave of
the court or in a case to which paragraph (b) above relates under authority conferred
by any enactment or on the arrest of the child.
- **5. The court has been requested to dispense with your agreement on the ground
that and a statement of the facts on which the applicant(s)
intend(s) to rely is attached.

*The second
alternative
should be
struck out
except where
the applicant
desires that
his identity
should not be
disclosed to
the person to
whom the
notice is given
in which case
the first
alternative
should be
struck out.

†Delete
except where
notice is
addressed to
a parent or
guardian.

**Delete if
inapplicable.

Dated the day of , 19 ..

(Signature)
Justice of the Peace for [the county]
first above-mentioned or Clerk of the Court

It would assist the court, if you would complete and return the attached reply form.

Reply Form

To the Clerk of the Juvenile Court
(Address)

I, (*name of respondent*) answer the following
questions as follows:

On what date did you receive notice of the hearing of the application for an adoption
order in respect of a child? [.....]

Do you wish to oppose the application? [Answer yes or no]

Do you wish to appear and be heard on the question whether an adoption order should
be made? [Answer yes or no]

.....(Date)(Address)
.....(Signature)

Rule 21(2)(a)

FORM 7

NOTICE TO APPLICANT OF TIME OF FURTHER HEARING AFTER
INTERIM ORDER MADE

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

To of
 I hereby give notice that your application for an adoption order to be made in respect of _____ (name of child) will be further heard before the Juvenile Court sitting at _____ on the _____ day of _____, 19____, at _____ o'clock in [the county] aforesaid and that your attendance [and that of _____ (name of child)] is required.

[TAKE NOTE that no adoption order can be made unless the child is present at the hearing and the court is satisfied that he has been informed of the nature of the order and that he has been given an opportunity of expressing his wishes and feelings regarding the decision.]

[AND] [TAKE NOTE that if the hearing is adjourned or an interim order is made, no adoption order can be made at a subsequent hearing unless the child is present at the subsequent hearing and the court is satisfied as aforesaid.]

Dated the _____ day of _____, 19____.

(Signature)

Justice of the Peace for the [county]
first above-mentioned or Clerk of the Court

Rule 21(2)(b)

FORM 8

NOTICE TO RESPONDENT OF TIME OF FURTHER HEARING AFTER
INTERIM ORDER MADE

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

*The second alternative should be struck out except where the applicant desires that his identity should not be disclosed to the person to whom the notice is given, in which case the first alternative should be struck out.

To of
 I hereby give notice that the application by (state name and address of applicant) or under the serial number for an adoption order should be made in respect of (*identify the child*) will be further heard before the Juvenile Court sitting at _____ on the _____ day of _____, 19____, at _____ o'clock in the [county] aforesaid; and you may then appear and be heard on the question whether an adoption order should be made.

OR

*and you may appear before the court and be heard on the question whether an adoption order should be made. If you wish to appear, write to the Clerk of the Court at _____ on or before the _____ day of _____, 19____, in order that a time may be fixed for your appearance.

Dated the _____ day of _____, 19____.

(Signature)

Justice of the Peace for [the county]
first above-mentioned] or Clerk of the Court

It would assist the court, if you would complete and return the attached reply form.

Reply Form

To the Clerk of the Juvenile Court
(Address)

I..... (name of respondent) answer the following questions as follows:

On what date did you receive notice of the hearing of the application for an adoption order in respect of a child? [.....]

Do you wish to oppose the application? [Answer yes or no]

Do you wish to appear and be heard on the question whether an adoption order should be made? [Answer yes or no]

.....(Date)(address)
.....(Signature)

FORM 9 Rule 22(1)
ADOPTION ORDER Juvenile Court

In the [county of Petty Sessional Division of No.]
Before the Juvenile Court sitting at]

Whereas an application has been made by (1) Enter names and surname as shown in birth certificate or Adopted Children Register or, if not so shown, by which known before being placed for adoption.
[and his wife] (more particularly described in the Schedule hereto and hereinafter called the applicant[s]) for an adoption order in respect of (1)
a child of the sex the [adopted] child of (hereinafter called the child);

And whereas arrangements for the adoption of the child have been made by (2) or notice has been received under Section 3(2) of the Adoption Act 1958 by (3)
And whereas the name or names and surname by which the child is to be known are (2) Enter name and address of adoption agency/local authority.

And whereas the court is satisfied that the applicant(s) is/are qualified in accordance with the provisions of the Children Act 1975 to adopt the child and that all conditions precedent to the making of an adoption order by the court have been fulfilled;

It is ordered that the applicant[s] adopt the child;
[And as regards costs, it is ordered that]

[And the court not being satisfied as to the precise date of the child's birth, it is determined that the probable date thereof was that specified in the Schedule hereto:] (3) Enter name and address of local authority.

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

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

And it is directed that the Registrar General shall, in accordance with the Adoption Act 1958, enter in the Adopted Children Register the particulars specified in Regulation 3 of and Schedule 1, or as the case may be Schedule 2, to the Forms of Adoption Entry Regulations 1975 (S.I. 1975/1959).

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

[The following payment or reward is sanctioned _____.]

Dated the _____ day of _____, 19____.

(Signature)

Justice of the Peace for the
[county] first above-mentioned

[or By order of the Court,

(Signature)

Clerk of the Court]

SCHEDULE

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

NOTES

1. Entries 1, 7 and 8 should be completed by the Registrar General.
2. *Date and country of birth.* Where the precise date of the child's birth is not proved, enter the date determined by the court to be the probable date. The particulars of the country of birth may be omitted unless it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter England or Wales, as the case may be, as the country of birth.
3. *Name and surname of child.* Enter the name or names and surname by which the child is to be known.
4. *Sex of child.* Enter "male" or "female", as the case may be.
5. *Address of adopter or adopters.* If the applicant does not have his home in Great Britain, enter the place abroad where he lives.

APPENDIX

This Appendix forms part of the adoption order but shall not form part of any copy supplied to any person under Rule 22(2), 23, 25(1)(b) or 25(1)(c) of the Magistrates' Courts (Adoption) Rules 1976.

1. The agreement of
of
the parent/guardian of the child is dispensed with on the ground(s) that
.....(enter the appropriate ground(s) in section 12(2) of the Act of 1975).
2. The order is made on the application of one person who [is married] [is the mother/father of the child] and the court is satisfied that
.....
(enter the appropriate ground(s) in section 11(1)(b) or (3) of the Children Act 1975, and specify where appropriate the matters on which the Court is satisfied).

FORM 10

Rule 22(2)

ABRIDGED FORM OF ADOPTION ORDER

In the [county of Petty Sessional Division of].
Before the Juvenile Court sitting at
Whereas an application has been made by [and
..... his wife] (more particularly described in the Schedule
hereto and hereinafter called the applicant[s] for an adoption order in respect of
..... (enter names and surname as shown in birth certificate or
*Adopted Children Register or, if not so shown, by which child was known before being
placed for adoption*) (hereinafter called the child); And whereas arrangements for the
adoption of the child have been made by
..... (enter name and address of adoption agency/local authority); or notice has been
received under section 3(2) of the Adoption Act 1958 by
..... (enter name and address of local authority); it is ordered that the
applicant[s] adopt the child.

Dated the day of 19 ..

(Signature)

Justice of the Peace for the [county]
aforesaid.

[or By Order of the Court,

(Signature)

Clerk of the Court]

SCHEDULE

Date and	<i>Registration District</i>
country of birth.....	<i>Sub-district</i>
of child	
Name and surname of child	
Sex of child	
Name and surname, address	
and	
occupation of adopter or adopters	
Date of adoption order and description of court by which made	

FORM 11

*Form of Bilingual Schedule for inclusion in adoption orders
made by Welsh courts (Magistrates' Courts (Adoption) Rules 1976 r.23)*

SCHEDULE

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

NOTES

1. Entries 1, 7 and 8 should be completed by the Registrar General.
2. *Date and country of birth.* Where the precise date of the child's birth is not proved, enter the date determined by the court to be the probable date. The particulars of the country of birth may be omitted unless it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter England or Wales, as the case may be, as the country of birth.
3. *Name and surname of child.* Enter the name or names and surname by which the child is to be known.
4. *Sex of child.* Enter "male" or "female", as the case may be.
5. *Address of adopter or adopters.* If the applicant does not have his home in Great Britain, enter the place abroad where he lives.

NODIADAU

1. Dylid llenwi 1, 7 ac 8 gan y Cofrestrydd Cyffredinol.
2. Dyddiad a'r wlad lle'i ganwyd. Lle na phrofir yr union dyddiad y ganwyd y baban, cynhwyswch y dyddiad a bendefrynwyd fel y dyddiad tebygol gan y llys. Gellir peidio â chynnwys manylion nm y wlad lle'i ganwyd onid ymddengys yn debygol mai o fewn y Deyrnas Gyfunol, Ynysoedd y Sionel neu Ynys Manaw y ganwyd y baban. Os felly, cynhwyswch Gymru neu Loegr, fel y bo'r achos, fel y wlad lle'i ganwyd.
3. *Enw a chyfenw'r plentyn.* Rhwch yr enw neu'r enwau ynghyd â'r cyfenw yr adnabyddir y plentyn wrthynt.
4. *Rhyw'r plentyn.* Rhwch "gwryw" neu "benyw", fel y bo'r achos.
5. *Cyfeiriad y person neu'r personau sy'n mabwysiadu.* Os nad yw'r sawl sy'n gwneud y cais yn byw ym Mhrydain Fawr, rhwch enw'r lle tramor lle y maen byw.

FORM 12

*Form of Bilingual Schedule for inclusion in abridged adoption orders
made by Welsh courts (Magistrates' Courts (Adoption) Rules 1976 r.23)*

SCHEDULE

Date	Registration District Dosbarth Cofrestru
Dyddiad	
and	
a'r	Sub-district Is-ddosbarth
country of birth of child	
wlad lle ganwyd y plentyn	
Name and surname of child Enw a chyfenw y plentyn	
Sex of child	Rhyw y plentyn
Name and surname, Enw a chyfenw, address, cyfeiriad and a occupation of adopter or adopters gwaith y mabwysiadwr neu'r mabwysiadwyr	
Date of adoption order Dyddiad y gorchymyn mabwysiadu and description of court by which made a disgrifiad o'r llys a'i gwnaeth	

Rule 24

FORM 13

INTERIM ORDER

In the [county of] Petty Sessional Division of
[.....]. Whereas an application has been made by
of (hereinafter called the applicant) for an adoption
order in respect of
(enter names and surname of child as shown in birth certificate or Adopted Children
Register or, if not so shown, by which child was known before being placed for adoption),
a child of the sex (hereinafter called the child); And Whereas arrange-
ments for the adoption of the child have been made by (enter name and address of
adoption agency/local authority); And Whereas the court is satisfied that the applicant
is qualified in accordance with the provisions of the Children Act 1975 to adopt the
child and that all conditions precedent to the making of an interim order by the court
have been fulfilled;

It is ordered that the determination of the application be postponed and that the appli-
cant do have the custody of the child until the day of 19 , by way
of a probationary period;

*Provision
may be made
for the
maintenance,
education
and
supervision
of the welfare
of the child
and otherwise.

[On the following terms, namely: ,*]
[And as regards costs, it is ordered that :]
[And that the application shall be further heard on].

Dated the day of , 19 ..

(Signature)

Justice of the Peace for the [county]
first above-mentioned.

APPENDIX

This Appendix forms part of the adoption order but shall not form part of any copy supplied to any person under Rule 22(2), 23, 25(1)(b) or 25(1)(c) of the Magistrates' Courts (Adoption) Rules 1976.

1. The agreement of
of the parent/guardian of
the child is dispensed with on the ground(s) that
.....
(enter the appropriate ground(s) in section 12(2) of the Children Act 1975).
2. The order is made on the application of one person who [is married] [is the mother/
father of the child] and the Court is satisfied that
.....
(enter the appropriate ground(s) in section 11(1)(b) or (3) of the Children Act
1975, and specify where appropriate the matters on which the court is satisfied).

FORM 14

Rule 27(1)

APPLICATION TO AMEND OR REVOKE ADOPTION ORDER

To the Juvenile Court.

1. Identification of adoption order to be amended or revoked—
Name of adopters
Date of adoption order
Name of child adopted
2. Particulars of person making this application
Name
Address
.....
State relationship to adopted person or, if no such relationship, state reason for
application
3. If application is made under section 24 of the Adoption Act 1958, state the
amendments desired, and the facts relied on in support of the application.
.....
.....
4. If application is made under section 26 of the Adoption Act 1958 or section 1(1)
of the Adoption Act 1960, state the facts relied on in support of the application.
.....
.....
I apply for the adoption order to be amended or revoked in accordance with this
application.

Dated the day of , 19 ..

(Signature)

Rule 28(1)

FORM 15

NOTICE ASKING FOR LEAVE OF COURT TO REMOVE CHILD
FROM APPLICANT FOR AN ADOPTION ORDER

In the [county of] [Petty Sessional Division of].
Whereas an application has been made by [
(*enter name and address of applicant for an adoption order*)] [under the serial number
.....] (hereinafter called the applicant) for an adoption order to be
made in respect of
(*identify the child*) (hereinafter called the child);
I hereby give notice that—

*Delete
either (a) or
(b) (see notes
below)

- *(a) I the parent/guardian of the child seek leave of the
court to remove the child from the custody of the applicant;
*(b) The (*insert name of
local authority or adoption society*) seek the leave of the court to give notice of their
intention not to allow the child to remain in the custody of the applicant;
The grounds on which the leave of the court is sought are as follows:

Date Signature
Address

NOTES

- (1) A notice can be given by a parent or guardian of the child (a) who has agreed to the making of an adoption order; or (b) where the child has had his home with the applicants for the preceding five years.
(2) Where the child has had his home with the applicants for the preceding five years, a notice can be given by a registered adoption society, voluntary organisation or, if the child was in the care of a local authority before he began to have his home with the applicants, by that local authority, or by any other person.

Rule 28(2)

FORM 16

NOTICE ASKING FOR LEAVE OF COURT TO REMOVE CHILD
FROM PROSPECTIVE ADOPTERS

In the [county of] [Petty Sessional Division of].
Whereas (*enter name and address
or serial number of prospective adopters*) have given notice in writing to
(*enter name of local authority*) that they intend to apply for an adoption order in respect
of (*identify the child*) (hereinafter called the child) who for
the preceding five years had his/her home with the prospective adopter;
I hereby give notice that—

*Delete
either (a) or
(b) (see note)

- *(a) I the parent/guardian of the child seek the leave of
the court to remove the child from the actual custody of the prospective adopter;
*(b) The (*enter
name of local authority or adoption society*) seek the leave of the court to give notice
of their intention not to allow the child to remain in the actual custody of the
prospective adopter:

The grounds on which the leave of the court is sought are as follows:

Date Signature
Address

NOTES

- (1) A notice can be given by a parent or guardian of the child where the child has had his home with the applicants for the preceding five years.
(2) Where the child has had his home with the applicants for the preceding five years, a notice can be given by a registered adoption society, voluntary organisation or, if the child was in the care of a local authority before he began to have his home with the applicants, by that local authority, or by any other person.

- (d) whether an insurance policy for the payment on the death of the child of money for funeral expenses has been effected.
4. (1) The guardian *ad litem* shall, as soon as it is reasonably practicable, ascertain whether the child is able to understand the nature of an adoption order.
- (2) If the guardian *ad litem* is of opinion that the child is able to understand the nature of an adoption order, he shall forthwith inform the court of his opinion and shall, so far as practicable, ascertain the wishes and feelings of the child regarding the decision.
5. The guardian *ad litem* shall interview either in person or by an agent appointed by him for this purpose—
- (a) every individual who is a respondent to the application; and
- (b) every individual who appears to him to have taken part in the arrangements for the adoption of the child.
6. (1) The guardian *ad litem* shall obtain from every respondent to the application, not being an individual, such information concerning the child as they have in their possession and which they consider might assist the court in deciding whether or not the child should be adopted by the applicant.
- (2) 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.
7. The guardian *ad litem* shall ascertain who has had actual custody of the child throughout his life and for what period or periods.
8. The guardian *ad litem* shall ascertain that every agreement to the making of an adoption order authorising the adoption of the child by the applicant is freely and unconditionally given and with full understanding of the nature and effect of an adoption order.
9. If either parent of the child is dead, the guardian *ad litem* shall forthwith 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.
10. Where the child is illegitimate, but the putative father is not the guardian of the child or is not liable to contribute to his maintenance by virtue of any order or agreement, the guardian *ad litem* shall forthwith 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.
11. The guardian *ad litem* shall forthwith inform the court if he learns of any person who is or has been married to the mother or father of the child and who may have to be joined as a respondent.
12. Where appropriate, the guardian *ad litem* shall endeavour to obtain a report on the applicant's home and living conditions from a suitable agency in any country outside Great Britain in which the applicant is or has been living or resident.
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EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules supersede the Adoption (Juvenile Court) Rules 1959, the Adoption (Juvenile Court) Rules 1965 and the Adoption (Juvenile Court) Rules 1973. They make provision for the procedure to be followed in proceedings in juvenile courts under Parts I and III of the Adoption Act 1958 and Part I of the Children Act 1975 in relation to the adoption of children.

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