

1980 No. 290 (S. 26)

## COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 1)  
(Adoption Proceedings) 1980***Made* - - - 29th February 1980*Coming into Operation* 24th March 1980

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933<sup>(a)</sup> and of all other powers competent to them in that behalf, do hereby enact and declare:—

*Citation and commencement*

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) (Adoption Proceedings) 1980 and shall come into operation on 24th March 1980.

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

*Amendments to adoption rules*

2.—(1) This paragraph applies to rules 219 to 230 and Forms 36 and 37 of the Rules of Court<sup>(b)</sup> (Adoption rules).

(2) In the rules and form specified in column 1 of Schedule 1 to this Act of Sederunt, for the words specified in column 2 of Schedule 1 opposite those rules and form respectively, there are substituted the words specified in column 3 of Schedule 1 opposite those words.

(3) In the rules and forms specified in column 1 of Schedule 2 to this Act of Sederunt, the words specified in column 2 of Schedule 2 opposite those rules and forms respectively, are omitted.

(4) In the rules specified in column 1 of Schedule 3 to this Act of Sederunt, after the words specified in column 2 of Schedule 3 opposite those rules respectively, there are inserted the words specified in column 3 of Schedule 3 opposite those words.

3. In the Rules of Court—

(1) In rule 221(a) after sub-paragraph (xvi) add the following sub-paragraph—

“(xvii) The wishes and feelings of the child regarding any decision relating to adoption of that child having regard to his age and understanding.”

<sup>(a)</sup> 1933 c. 41.

<sup>(b)</sup> S.I. 1965/321, as amended by 1966/1620, 1971/1162, 1977/472 and 1978/1373.

(2) After rule 229 there is inserted the following rule—

**“229A Reference to Adoption Agency in Adoption Order.** Where a petition for an Adoption Order relates to a child placed by an adoption agency, the Adoption Order shall contain the name and address of the Adoption Agency.”

Edinburgh  
29th February 1980.

*Emslie*  
Lord President  
I.P.D.

(Substitutions)

#### SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
219(a)	Inner House	Outer House
221(a)	Act	Act of 1958
222(e)	consent	agreement or consent
228	Division	Lord Ordinary
230(b)	the Inner House	a Lord Ordinary
230(c)	Inner House	Lord Ordinary
230(e)	Note	Minute
	Noter	Minuter
Form 36 (Prayer)	the schedule to the said Act	said form

(Omissions)

#### SCHEDULE 2

COLUMN 1	COLUMN 2
222(b)	or paragraph 12(1) of the Second Schedule to that Act,
230(e)	for leave to remove the infant from the care and possession of the petitioner,
Form 36 para 13	(d) [Spouse of petitioner]
Form 37	(e) the spouse of the petitioner,

(Additions)

#### SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
219(b)	Act of 1975	and, in the case of the adoption of a minor, the consent of the minor as required under section 8(6) of the Act of 1975,
222(a)	agreement	or consent
230(d)	sub-section 1 of section 24 of the Act	of 1958
230(e)	section 34	or 34A of the Act of 1958 or section 30 of the Act of 1975,

## EXPLANATORY NOTE

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

This Act of Sederunt makes certain minor amendments to the Rules of the Court of Session relating to adoption proceedings.

