
STATUTORY INSTRUMENTS

1991 No. 1880

CHILDREN AND YOUNG PERSONS

The Adoption (Amendment) Rules 1991

Made - - - - *5th August 1991*
Laid before Parliament *2nd September 1991*
Coming into force - - *14th October 1991*

The Lord Chancellor, in exercise of the powers conferred on him by sections 66(1) and 67(1) of the Adoption Act 1976⁽¹⁾, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Adoption (Amendment) Rules 1991 and shall come into force on 14th October 1991.

(2) In these Rules “the 1984 rules” means the Adoption Rules 1984⁽²⁾, and, unless the context otherwise requires, a provision or form referred to by number alone means the provision or form so numbered in those Rules.

Amendments to the Adoption Rules 1984

2. The 1984 rules shall have effect subject to the following amendments.

3.—(1) In rule 2(1)–

(a) for the definitions of “the 1958 Act”, “the 1968 Act”, “the 1975 Act” and “the 1980 Act” there shall be substituted the following definition

“the Act” means the Adoption Act 1976’;

(b) in the definition of “Convention Proceedings”, for the words “the 1968 Act” there shall be substituted the words “the Act”;

(c) in the definition of “the court”, for the words from “having authority” to the end shall be substituted the words “falling within the class specified for the commencement of proceedings under the Act by an Order under Part I of Schedule 11 to the Children Act 1989”⁽³⁾;

(1) 1976 c. 36.
(2) S.I.1984/265.
(3) 1989 c. 41.

- (d) in the definition of “interim order”, for the words “section 19 of the 1975 Act” there shall be substituted the words “section 25 of the Act”;
 - (e) in the definition of “order authorising a proposed foreign adoption”, for the words “section 25 of the 1975 Act” there shall be substituted the words “section 55 of the Act”;
 - (f) in the definition of “proper officer”, for the words “a registrar” there shall be substituted the words “a district judge”.
- (2) The following shall be substituted for rule 2(2):
- “(2) Except where a contrary intention appears, a word or phrase used in these rules shall have the same meaning as in the Children Act 1989 or, where the word or phrase does not appear in that Act, as in the Act.”
- (3) In rule 2(3) the words “a rule referred to by number means the rule so numbered in these rules, and” shall be omitted.
- 4.—**(1) In rule 3(1), for the words “the 1958 Act or Part I of the 1975 Act” there shall be substituted the words “the Act”.
- (2) In rule 3(2)–
- (a) the word “(Revision)” shall be omitted and
 - (b) for the words from “and a county court respectively” to the end there shall be substituted the words “or a county court under the Act”.
- 5.—**(1) In rule 4(1)(b), for the words “the appropriate” there shall be substituted the word “a”.
- (2) In rule 4(2), the following shall be substituted for paragraphs (b) to (e):
- “(b) any local authority or voluntary organisation which has parental responsibility for, is looking after, or is caring for, the child;”.
- 6.—**(1) In rule 5(3), for the words “the Guardian ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted the words “regulations under section 41(7) of the Children Act 1989, if any,”.
- (2) In rule 5(4)–
- (a) in sub-paragraph (b) for the words “section 14(7) of the 1975 Act” there shall be substituted the words “section 18(6) of the Act”;
 - (b) in sub-paragraph (e)
 - (i) for the words “an illegitimate child for adoption and his father is not his guardian” there shall be substituted the words “for adoption a child whose parents were not married to each other at the time of his birth and whose father is not his guardian”; and
 - (ii) for the words “section 14(8) of the 1975 Act” there shall be substituted the words “section 18(7) of the Act”.
- 7.** In rule 6(5), for the words “the Guardian ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted the words “regulations under section 41(7) of the Children Act 1989, if any,”.
- 8.** In rule 7(1), for the words “section 12(2) of the 1975 Act” there shall be substituted the words “section 16(2) of the Act”.
- 9.** In rule 12(2)–

- (a) for the words “in which the parental rights and duties relating to the child are vested by virtue of section 23 of the 1975 Act” there shall be substituted the words “which has parental responsibility for the child by virtue of section 21 of the Act”; and
- (b) for the words “rule 4(2)(b), (c), (d) or (e)” there shall be substituted the words “rule 4(2)(b)”.

10.—(1) For the heading to rule 13 there shall be substituted “Substitution of one adoption agency for another”.

(2) In rule 13(1), for the words from “by two adoption agencies desiring the court” to “of the 1975 Act” there shall be substituted the words “under section 21(1) of the Act”.

(3) In rule 13(2)–

- (a) for the words “section 23 of the 1975 Act” there shall be substituted the words “section 21 of the Act”;
- (b) for the words “section 14 of the 1975 Act” there shall be substituted the words “section 18 of the Act”; and
- (c) for the words “section 15(1) of the 1975 Act” there shall be substituted the words “section 19(1) of the Act”.

11.—(1) In rule 15(1)(b), for the words “the appropriate” there shall be substituted the word “a”.

(2) In rule 15(2), the following shall be substituted for sub-paragraph (b):

“(b) any adoption agency having parental responsibility for the child by virtue of sections 18 or 21 of the Act;”.

(3) In rule 15(2)(d), for the words “section 18 of the 1975 Act” there shall be substituted the words “section 22 of the Act”.

(4) In rule 15(2), the following shall be substituted for sub-paragraphs (e) to (g):

“(e) any local authority or voluntary organisation which has parental responsibility for, is looking after, or is caring for, the child;”.

(5) Rule 15(2)(i) is revoked.

(6) In rule 15(2)(j), for the words “section 11(1)(b)(ii) of the 1975 Act” there shall be substituted the words “section 15(1)(b)(ii) of the Act”.

12. In rule 16–

- (a) for the words “section 22(4) of the 1975 Act” there shall be substituted the words “section 24(1) of the Act”; and
- (b) for the word “judge” there shall be substituted the words “judge or district judge”.

13. In rule 17(3), for the words “the Guardian ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted the words “regulations under section 41(7) of the Children Act 1989, if any,”.

14. In rule 18(5), for the words “the Guardian ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted the words “regulations under section 41(7) of the Children Act 1989, if any,”.

15. In rule 19(1), for the words “section 12(2) of the 1975 Act” there shall be substituted the words “section 16(2) of the Act”.

16. In rule 21(2), (3) and (4), for the words “section 18 of the 1975 Act” there shall be substituted the words “section 22 of the Act”.

17. In rule 22(2), for the words “section 18 of the 1975 Act” there shall be substituted the words “section 22 of the Act”.

18. In rule 23(7), for the words “section 10 of the 1975 Act” there shall be substituted the words “section 14(1A) or (1B) of the Act”.

19. In rule 24(5), for the words “section 14 of the 1975 Act” there shall be substituted the words “section 18 of the Act”.

20. Rule 26 is revoked.

21.—(1) In rule 27(1), the words “1958 Act or Part I of the 1975” shall be omitted.

(2) In rule 27(2), for the words “section 9 of the 1968 Act” there shall be substituted the words “section 70 of the Act”.

22. In rule 29(2), for the words “section 24(2)(a), (4)(a) or (5)(a) of the 1975 Act” there shall be substituted the words “section 17(2)(a), (4)(a) or (5)(a) of the Act”.

23. In rule 30, for the words “section 24(2), (3) and (4) or (5) of the 1975 Act” there shall be substituted the words “section 17(2), (3) and (4) or (5) of the Act”.

24. In rule 32, for the words “section 24(6)(a) of the 1975 Act” there shall be substituted the words “section 17(6)(a) of the Act”.

25. In rule 36—

(a) for the words “section 24(7)(a) of the 1975 Act” there shall be substituted the words “section 17(7)(a) of the Act”; and

(b) for the word “Registrar” there shall be substituted the words “District Judge”.

26.—(1) For the cross heading “PROCEEDINGS UNDER SECTION 6 OF THE 1968 ACT” which follows rule 36 there shall be substituted the cross heading “PROCEEDINGS UNDER SECTIONS 52 OR 53 OF THE ACT”.

(2) In rule 37(1), for the words “section 6(1) or (2) of the 1968 Act” there shall be substituted the words “section 52(1) or 53(1) of the Act”.

(3) In rule 37(2), for the words “section 6(1) of the 1968 Act” there shall be substituted the words “section 53(1) of the Act”.

27. In rule 38, for the words “section 6(3) of the 1968 Act” there shall be substituted the words “section 53(2) of the Act”.

28.—(1) In rules 39 to 41, for the words “section 6 of the 1968 Act”, wherever they appear, there shall be substituted the words “section 52 or 53 of the Act”.

(2) In rule 39(2), for the words “section 6(1) or (3) of the 1968 Act” there shall be substituted the words “section 53 of the Act”.

(3) Rule 41(3) is revoked.

29. In rule 42—

(a) for the words “section 24(8) of the 1975 Act” there shall be substituted the words “section 17(8) of the Act”; and

(b) for the words “section 7(4) of the 1968 Act” there shall be substituted the words “section 54(4) of the Act”.

30. In rule 43, for the words “section 24(8) of the 1975 Act” there shall be substituted the words “section 17(8) of the Act”.

31. In rule 44, for the words “section 87 of the County Courts Act 1959” there shall be substituted the words “section 58(1)(c) of the County Courts Act 1984”.

32.—(1) The following shall be substituted for rule 47(1):

“(1) An application—

- (a) for leave under section 27 or 28 of the Act to remove a child from the home of a person with whom the child lives,
- (b) under section 29(2) of the Act for an order directing a person not to remove a child from the home of a person with whom the child lives,
- (c) under section 29(1) of the Act for an order for the return of a child who has been removed from the home of a person with whom the child lives,
- (d) under section 30(2) of the Act for leave to give notice of an intention not to give a home to a child or not to allow a child to remain in a person’s home, or
- (e) under section 20(2) of the Act for leave to place a child for adoption,

shall be made in accordance with paragraph (2).”.

(2) In rule 47(2),

- (a) in sub-paragraph (a), for the words “sections 14 or 16 of the 1975 Act” there shall be substituted the words “sections 18 or 20 of the Act”; and
- (b) in sub-paragraph (b), the word “appropriate” shall be omitted.

(3) Rule 47(3) is revoked.

(4) In rule 47(5)–

- (a) for the words “section 14 or 16 of the 1975 Act” there shall be substituted the words “sections 18 or 20 of the Act”;
- (b) for the words “section 18 of the 1975 Act” there shall be substituted the words “section 22 of the Act”.

33. In rule 49(1)–

- (a) for the words “section 24 of the 1958 Act” there shall be substituted the words “paragraph 4 of Schedule 1 to the Act”;
- (b) for the words “under section 26 of the 1958 Act (or section 1(1) of the Adoption Act 1960)” there shall be substituted the words “under section 52 of the Act”.

34.—(1) In rule 52(1)–

- (a) for the words “section 14 of the 1975 Act” there shall be substituted the words “section 18 of the Act”;
- (b) for the words “section 16 of the 1975 Act” there shall be substituted the words “section 20 of the Act”.

(2) Rule 52(6) is revoked.

(3) In rule 52(7), for the words from “section 8(3)” to the end there shall be substituted the words “section 12(8) of the Act (orders relating to parental responsibility for, and maintenance of, the child)”.

35. In rule 53(1) and (4), for the words “the 1958 Act, the 1968 Act or Part I of the 1975 Act” there shall be substituted the words “the Act”.

36. In Form 1–

- (a) for the second paragraph of the Notes there shall be substituted “If the application is made to a county court, it may be made to any county court which has been designated as a divorce county court under section 33 of the Matrimonial and Family Proceedings Act 1984”(4);
 - (b) for the words “In the matter of the Adoption Act 1958 and in the matter of the Children Act 1975 and” there shall be substituted the words “In the matter of the Adoption Act 1976 and”;
 - (c) in paragraph 7, for the word “Care” there shall be substituted the word “Home”;
 - (d) the following shall be substituted for paragraph 8:
 - “8. The child is being looked after by (who have parental responsibility for the child).”;
 - (e) in paragraph 11–
 - (i) for the words “The child is illegitimate” there shall be substituted the words “The child’s parents were not married to each other at the time of his birth”;
 - (ii) for the words “the custody” there shall be substituted the words “an order under section 4(1)(a) of the Children Act 1989 or for a residence order in respect”;
 - (f) in the note to paragraph 3, for the words from “If the child is illegitimate” to the end there shall be substituted the words “If the child’s parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 12 of the court order or the agreement which provides for parental responsibility”;
 - (g) in the note to paragraph 4 after the words “court of competent jurisdiction” there shall be inserted the words “, or under section 5 of the Children Act 1989,”;
 - (h) in the note to paragraphs 5 and 6–
 - (i) for the words “an illegitimate child” there shall be substituted the words “a child whose parents were not married to each other at the time of his birth”;
 - (ii) for the words “custody of” there shall be substituted the words “parental responsibility for”;
 - (iii) after the words “of a court order” there shall be inserted the words “or by agreement or he has a residence order in respect of the child”; and
 - (iv) for the words “section 12(2) of the 1975 Act” there shall be substituted the words “section 16(2) of the Act”; and
 - (i) in the note to paragraph 8, for the words “in the care of” there shall be substituted the words “being looked after by”.
- 37. In Form 2–**
- (a) in paragraph 2, for the words “the parental rights and duties relating to the child and to vest them” there shall be substituted the words “parental responsibility for the child and to vest it”; and
 - (b) in paragraph 3, for the words “the parental duties” there shall be substituted the words “his parental responsibility”.
- 38. In Form 3–**
- (a) in paragraph 3–

- (i) for the words “in the care of” there shall be substituted the words “being looked after by”; and
- (ii) for the words “actual custody” there shall be substituted the word “home”; and
- (b) for the word “Registrar” there shall be substituted, in each place, the words “District Judge”.

39. In Form 4–

- (a) for the words “the parental rights and duties” there shall be substituted the words “parental responsibility”; and
- (b) in note (b), for the words “section 14(7) of the Children Act 1975” there shall be substituted the words “section 18(6) of the Act”.

40. In Form 5–

- (a) for the heading to the form there shall be substituted “Application for Substitution of One Adoption Agency for Another”;
- (b) for the words “the parental rights and duties in respect of” there shall be substituted the words “parental responsibility for”;
- (c) for the words “section 14 of the Children Act 1975” there shall be substituted the words “section 18 of the Adoption Act”; and
- (d) for the words “section 15(1) of the Children Act 1975” there shall be substituted the words “section 19(1) of the Adoption Act”.

41. In Form 6–

- (a) for the second paragraph of the Notes there shall be substituted “If the application is made to a county court, it may be made to any county court which has been designated as a divorce county court under section 33 of the Matrimonial and Family Proceedings Act 1984;”
- (b) in paragraph 8–
 - (i) for the words “section 14 of the Children Act 1975” there shall be substituted the words “section 18 of the Adoption Act”; and
 - (ii) for the words “the parental rights and duties relating to the child were thereby vested in (and were” there shall be substituted the words “parental responsibility for the child was thereby vested in (and was”; and
 - (iii) for the words “section 23 of the Children Act 1975” there shall be substituted the words “section 21 of the Adoption Act”;
- (c) the following shall be substituted for paragraph 13:

“**13.** The child is being looked after by (who have parental responsibility for the child).”;
- (d) in the note to paragraph 8, for “section 23” there shall be substituted “section 21”;
- (e) in the note to paragraph 9, for the words from “if the child is illegitimate” to the end there shall be substituted the words “if the parents of the child were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 19 of the court order or the agreement which provides for parental responsibility”;
- (f) in the note to paragraph 10–
 - (i) after the words “court of competent jurisdiction” there shall be inserted the words “, or under section 5 of the Children Act 1989,”;

- (g) in the note to paragraphs 11 and 12–
 - (i) for the words “an illegitimate child” there shall be substituted the words “a child whose parents were not married to each other at the time of his birth”;
 - (ii) for the words “section 12(2) of the 1975 Act” there shall be substituted the words “section 16(2) of the Act”;
 - (iii) for the words “custody of” there shall be substituted the words “parental responsibility for”; and
 - (iv) after the words “of a court order” there shall be inserted the words “or by agreement or he has a residence order in respect of the child”;
 - (h) in the note to paragraph 13, for the words “in the care of” there shall be substituted the words “being looked after by”;
 - (i) in paragraphs 17 and 20, for the words “actual custody” there shall be substituted, in each place, the word “home”;
 - (j) in the note to paragraphs 16 and 17, for the words “section 9 of the 1975 Act” there shall be substituted the words “section 13 of the Act”;
 - (k) in the note to paragraph 19–
 - (i) for the words “section 22(4) of the 1975 Act” there shall be substituted the words “section 24(1) of the Act”;
 - (ii) for the words from “section 42” to the end there shall be substituted the words “Part I of the Children Act 1989”;
 - (l) in the note to paragraph 21, for the words “actual custody” there shall be substituted the word “home”; and
 - (m) in the note to paragraph 22, for the words “section 57(1) of the Adoption Act 1958 (as amended)” there shall be substituted the words “section 72(1) of the Act”.
- 42.** In Form 7–
- (a) for the words “the parental rights and duties relating to the child” and “parental duties in relation to the child” there shall be substituted, in each place, the words “parental responsibility for the child”;
 - (b) in the note to the preamble–
 - (i) for the words from “The father” to “by virtue of a court order” there shall be substituted the words “The father of a child who was not married to the child’s mother when the child was born is not a parent for this purpose unless he has parental responsibility by virtue of a court order or an agreement or he has a residence order in respect of the child”;
 - (ii) after the words “court of competent jurisdiction” there shall be inserted the words “, or under section 5 of the Children Act 1989,”;
 - (c) in the notes to paragraphs 3 and 5, for the words “actual custody” there shall be substituted, in each place, the word “home”.
- 43.** In Form 8–
- (a) in paragraphs 4 and 5, for the words “actual custody” there shall be substituted, in each place, the word “home”;
 - (b) for the word “Registrar” there shall be substituted, in each place, the words “District Judge”; and
 - (c) the words “the Principal Registry of” shall be omitted.
- 44.** In Form 9–

- (a) for the words “In the Matter of the Adoption Act 1968” there shall be substituted the words “In the Matter of the Adoption Act 1976”; and
- (b) for the words “section 6(1) or (2) of the Adoption Act 1968” there shall be substituted the words “section 52(1) or 53(1) of the Adoption Act 1976”;
- (c) in the notes, for the words “section 6(1) or (2) of the Adoption Act 1968” there shall be substituted the words “section 53 of the Act”.

45. In Form 10–

- (a) for the words “sections 8(1) and 24 of the Children Act 1975” there shall be substituted the words “sections 12(1) and 17 of the Adoption Act 1976”;
- (b) for the words “section 8 of the Children Act 1975” there shall be substituted the words “section 12(1) of the Adoption Act 1976”;
- (c) in the note to paragraph 1, for the words from “An overseas adoption” to “Adoption Act 1968” there shall be substituted the words “An overseas adoption is one occurring in a place, under the law of that place, listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973(5)”.
- (d) in the note to paragraphs 2 and 3–
 - (i) for the words “section 107(1) of the 1975 Act” there shall be substituted the words “section 72(1) of the 1976 Act”; and
 - (ii) for the words from “Northern Ireland” to the end there shall be substituted the words “those countries listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973”.

46. In Form 11–

- (a) in the heading, for the words “section 6 of the Adoption Act 1968” there shall be substituted the words “sections 52 and 53 of the Adoption Act 1976”;
- (b) in the note to paragraph 4, for the words “section 6(3) of the Adoption Act 1968” there shall be substituted the words “section 53(2) of the Adoption Act 1976”;
- (c) in the note to paragraph 7, for the words “section 6(1) of the Adoption Act 1968” there shall be substituted the words “section 53(1) of the Adoption Act 1976”; and
- (d) in the note to paragraph 8, for the words “section 6(2) of the Adoption Act 1968” there shall be substituted the words “section 52(1) of the Adoption Act 1976”.

47. In Form 12–

- (a) for the words “the parental rights and duties relating to the child” there shall be substituted the words “parental responsibility for the child”; and
- (b) the words “under section 14(7) of the 1975 Act” shall be omitted.

48. In Form 13–

- (a) for the words “the parental rights and duties relating to the child” there shall be substituted the words “parental responsibility for the child”;
- (b) for the words “section 16 of the Children Act 1975” there shall be substituted the words “section 20 of the Adoption Act 1976”;
- (c) for the words “section 14 of the Children Act 1975” there shall be substituted the words “section 18 of the Adoption Act 1976”; and
- (d) for the words “section 15(3) of that Act” there shall be substituted the words “section 19(3) of that Act”.

49. In Form 14, for the words “legal custody” there shall be substituted, in each place, the words “parental responsibility”.

50. In Form 15, for the words “the parental rights and duties relating to the child (including the legal custody of the child)” there shall be substituted the words “parental responsibility for the child”.

51. In Schedule 2–

- (a) for paragraph 1(b) there shall be substituted the following:
 - “(b) whether the child’s parents were married to each other at the time of his birth and, if not, whether he was subsequently legitimated”;
- (b) in paragraph 1(g), for the words from “or local authority” to the end there shall be substituted the words “relating to parental responsibility for the child or to maintenance and residence”;
- (c) in paragraph 1(h), for the words “in respect of care and custody” there shall be substituted the words “concerning with whom they are to live”;
- (d) in paragraph 1(i)–
 - (i) for the words “access to” there shall be substituted the words “contact with”; and
 - (ii) for the words “if the child is illegitimate” there shall be substituted the words “if the child’s parents were not married to each other at the time of his birth”;
- (e) in paragraph 1(j), after the words “or voluntary organisation” there shall be inserted the words “or is in such care, or is being, or has been, looked after by such an authority or organisation,”;
- (f) in the heading to paragraph 2, the words from “including” to the end shall be omitted;
- (g) in paragraph 4(e), for the words “an order relating to the custody of the child” there shall be substituted the words “a residence order”;
- (h) in paragraph 5(b)–
 - (i) for the words “section 18 of the 1975 Act” there shall be substituted the words “section 22 of the Act”;
 - (ii) for the words “section 29 of the 1958 Act” there shall be substituted the words “section 11 of the Act”;
- (i) in paragraph 6(b)–
 - (i) for the words “an illegitimate child” there shall be substituted the words “a child whose parents were not married to each other at the time of his birth”; and
 - (ii) for the words “any of the parental rights and duties” there shall be substituted the words “parental responsibility”; and
- (j) in paragraph 7(e), for the word “custody” there shall be substituted the words “a residence order”.

52. In Schedule 4–

- (a) for the words “section 24(4)(a) of the 1975 Act” there shall be substituted the words “section 17(4)(a) of the Act”;
- (b) for the words “section 24(4)(b) of the 1975 Act” there shall be substituted the words “section 17(4)(b) of the Act”;
- (c) for the words “section 24(5)(a) of the 1975 Act” there shall be substituted the words “section 17(5)(a) of the Act”;
- (d) for the words “section 24(5)(b) of the 1975 Act” there shall be substituted the words “section 17(5)(b) of the Act”;

- (e) for the words “section 107(1) of the 1975 Act” there shall be substituted the words “section 72(1) of the Act”; and
- (f) for the words “section 24(8) of the 1975 Act” there shall be substituted the words “section 17(8) of the Act”.

5th August 1991

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Adoption Rules 1984 which regulate adoption matters in the High Court and the county courts.

The amendments have four purposes. First, they update references, including references to Acts which are superseded by the Adoption Act 1976.

Secondly, they make amendments consequential upon the Children Act 1989. This second category consists mainly of changes of terminology in the law relating to children affected by the 1989 Act.

Thirdly, they permit the proper officer to refer an application for an adoption order to the district judge, rather than to the judge, for directions on preliminary matters.

Fourthly, they replace the term “illegitimate child” wherever it previously appeared in these rules.