1969. No. 279 **[C]**

COUNTY COURT RULES

Adoption

RULES, DATED 15TH OCTOBER 1969, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, the Right Honourable Robert Wilson Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(**a**), section 45 of the Adoption Act (Northern Ireland) 1967(**b**) and all other powers thereunto enabling, do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 15th day of October 1969.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.

(a) 1959. c. 25.

(b) 1967. c. 35 (N.I.).

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PART I

CITATION, COMMENCEMENT, ETC.

Citation

1. These Rules shall be cited as the County Court (Adoption) Rules (Northern Ireland) 1969.

Commencement

2. These Rules shall come into operation on 1st December 1969.

Revocation

3. The Adoption of Children (Northern Ireland) County Court Rules 1954(**c**) are hereby revoked.

Interpretation

4. In these Rules—

(*a*) "the Act" means the Adoption Act (Northern Ireland) 1967;

(*b*) "adoption order" includes a provisional adoption order within the meaning of section 38 of the Act;

(*c*) "the Registrar General" means the Registrar General for Northern Ireland;

(*d*) reference to a Form by number is a reference to the Form as numbered in the Schedule.

(**c**) S.R. & O. (N.I.) 1954, No. 23.

PART II

COMMENCEMENT OF PROCEEDINGS

Notice to welfare authority under section 3(1)(b) of Act

5. Where service of notice to a welfare authority of intention to apply for an adoption order is required under section 3(1)(*b*) of the Act such notice shall be in Form 1 and an affidavit of such service in accordance with Rule 29 shall be lodged with the clerk of the Crown and peace together with the copy of any such notice exhibited to the petition in accordance with Rule 9(2).

Application to be by petition

6.—(1) Subject to paragraph (2), an application for an adoption order shall be made by petition in Form 2.

(2) An application for a provisional adoption order under section 38 of the Act shall be made by petition in Form 3.

Sittings at which petitions to be heard

7. Every petition shall be listed for hearing at and heard at the sitting of the Court for equity matters or on such other day or days as the Judge may appoint.

Issue of Petition

8. The petition shall be submitted, in accordance with Rule 29, to the clerk of the Crown and peace for issuing not less than one month before the day appointed for the hearing together with copies for service in accordance with Rule 10(1) and a copy for the use of the court; and he shall issue the petition by assigning a serial number thereto, and endorsing on the original and copies thereof a notice of the date of hearing and an interim appointment of the appropriate welfare authority as guardian ad litem and shall return the copies for service.

Verification of petition and documents to be exhibited thereto

9.—(1) Every petition and every document exhibited thereto under paragraph (2) shall be verified by affidavit in the form appended to Forms 2 and 3.

(2) Every document proper for proving the statements in the petition shall be exhibited thereto and in particular—

(*a*) where notice under section 3(1)(*b*) of the Act is required to be served on the welfare authority, a copy of the notice served;

(*b*) except where the petitioner desires the Court under section 5(1) of the Act to dispense with the consent of a parent or guardian of the infant, a document attested in accordance with section 6(3) of the Act signifying the consent of every parent or guardian of the infant in Form 4;

(*c*) except where the petitioner desires the Court under section 5(3) of the Act to dispense with the consent of his or her spouse or except where the petition is made jointly by two spouses, a statutory declaration in Form 5 signifying the consent of the spouse of the petitioner;

(*d*) where the petition is a joint petition by spouses, their marriage certificate or other evidence of marriage;

(*e*) where the birth of the infant has been registered or where the infant has been previously adopted, the birth certificate or, as the case may be, a certified copy of the entry in the Adopted Children Register, referred to in the Form of consent by the parent or guardian;

(*f*) except where the petitioner or one of the petitioners is the mother or father of the infant or the infant has reached the upper limit of compulsory school age, the certificate of a fully-registered medical practitioner as to the health of the petitioner or petitioners which may be in Form 6.

Service of petition or notice of presentation

10.—(1) The petitioner shall, not less than twenty-one days before the day appointed for the hearing of the petition, serve a copy of the petition on the guardian ad litem and, unless he desires his identity to be kept confidential, upon—

(*a*) the parents or guardian (if known) of the infant;

(*b*) any person liable by virtue of any order or agreement to contribute to the support of the infant;

(*c*) any person or body having the rights and powers of a parent of the infant under section 104 of or paragraph 14(1) of Schedule 5 to the Children and Young Persons Act (Northern Ireland) 1968(**d**);

(*d*) the welfare authority to whom the applicant has given notice under section 3(1) of the Act, where such welfare authority is not the guardian ad litem;

(*e*) any adoption society or, without prejudice to the foregoing, any local authority who has taken part in the arrangements for the adoption of the infant; and

(*f*) any other person whom the court may direct.

(2) If the petitioner desires, as stated in the petition, that his identity be kept confidential he shall, in lieu of a copy of the petition, serve upon the persons mentioned in paragraph (1)(*a*) to (*f*) a copy of a notice in Form 7.

(3) If the petitioner has no solicitor acting for him, the notice in Form 7 of the presentation of the petition shall be signed by the clerk of the Crown and peace.

Notice of objection to the making of an adoption order

11. Anyone wishing to object to the grant of an adoption order shall within ten days of the date of service on him of a copy of the petition or, as the case may be, notice of the presentation of the petition, give to the clerk of the Crown and peace written notice of his intention to object quoting the serial number of the petition.

Appointment of guardian ad litem

12.—(1) The clerk of the Crown and peace shall, after receipt of the petition, make an interim appointment of the appropriate welfare authority as a guardian ad litem under section 11 of the Act, which appointment may be incorporated in the Form of notice to be endorsed on the petition at the time of its issue.

(2) Such appointment may be confirmed by the Judge or he may make another appointment under the said section 11.

(3) Rule 14 of Order 3 of the County Court Rules (Northern Ireland) 1965(**e**) shall not apply to the appointment of a guardian ad litem under this Rule.

(**d**) 1968. c. 34 (N.I.). (**e**) S.R. & O. (N.I.) 1965, No. 261.