

Children Act, 1958 : 6 & 7 Eliz. 2. Ch. 65.

Contributors

Great Britain.

Publication/Creation

London : H.M.S.O., [1958]

Persistent URL

<https://wellcomecollection.org/works/gf6ws9gm>

License and attribution

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>

362.75

Children Act, 1958

6 & 7 ELIZ. 2 CH. 65

Sect. 2. Definition of foster child



ARRANGEMENT OF SECTIONS

PART I

CHILD PROTECTION

Section

1. Duty of local authorities to ensure well-being of foster children.
2. Meaning of "foster child".
3. Duty of persons maintaining foster children to notify local authority.
4. Power to inspect premises, impose conditions, or prohibit the keeping of foster children.
5. Appeal to juvenile court against requirement or prohibition imposed under section four.
6. Disqualification for keeping foster children.
7. Removal of foster children kept in unsuitable surroundings.
8. Extension of power to issue warrants to search for and remove a child.
9. Avoidance of insurances on lives of foster children.
10. Sittings of juvenile courts in proceedings under Part I.
11. Appeal to quarter sessions.
12. Extension of Part I to certain school children during holidays.
13. Extension of Part I to certain children above compulsory school age.
14. Offences.
15. Service of notices by post.
16. Authentication of documents.
17. Interpretation of Part I.

PART II

AMENDMENTS OF ADOPTION ACT, 1950

18. Consents to adoption.
19. Other conditions of adoption.
20. Interim orders.
21. Procedure and evidence.
22. Effects of adoption.

Section

23. Adoption by persons domiciled but not ordinarily resident in Great Britain.
24. Provisional adoption by persons domiciled outside Great Britain.
25. Registration.
26. Amendment of orders and rectification of registers.
27. Legitimation following adoption.
28. Penalty for making unauthorised arrangements for adoption.
29. Adoption societies regulations.
30. Power of local authorities to arrange adoptions.
31. Return of infants placed by adoption societies and local authorities.
32. Further provisions as to adoption of children in care of local authorities.
33. Restriction on removal of infants for adoption outside British Islands.
34. Prohibition of certain payments.
35. Children awaiting adoption or placed with strangers.
36. Interpretation and construction of Part II.

PART III

MISCELLANEOUS AND GENERAL

37. Prohibition of anonymous advertisements offering to undertake care of children.
38. Repeal of obsolete enactments.
39. Expenses.
40. Minor and consequential amendments and repeals.
41. Short title, construction, commencement and extent.

SCHEDULES:

First Schedule—Provisions as to children awaiting adoption or placed with strangers.

Second Schedule—Minor and consequential amendments.

Third Schedule—Enactments repealed.

WELLCOME INSTITUTE LIBRARY	
Coll.	welM0m0c
Call	
No.	W532
	.BA1
	1958
	G78c



CHAPTER 65

An Act to make fresh provision for the protection of children living away from their parents; to amend the law relating to the adoption of children; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CHILD PROTECTION

1. It shall be the duty of every local authority to secure that children within their area who are foster children within the meaning of this Part of this Act are visited from time to time by officers of the authority, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

Duty of local authorities to ensure well-being of foster children

2.—(1) In this Part of this Act “foster child” means, subject to the following provisions of this section, a child below the upper limit of the compulsory school age whose care and maintenance are undertaken for reward for a period exceeding one month by a person who is not a relative or guardian of his.

Meaning of “foster child.”

(2) A child is not a foster child within the meaning of this Part of this Act while he is in the care of a local authority or a voluntary organisation or is boarded out by the Minister of Pensions and National Insurance or by a local health authority or a local education authority (or, in Scotland, an education authority).



PART I
—cont.

(3) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person—

- (a) in premises in which any parent, adult relative or guardian of his is for the time being residing ;
- (b) in any voluntary home within the meaning of Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937 ;
- (c) in any school within the meaning of the Education Acts, 1944 to 1953, or the Education (Scotland) Acts, 1939 to 1956 ;
- (d) in any hospital or in any nursing home registered or exempted from registration under Part VI of the Public Health Act, 1936, Part XI of the Public Health (London) Act, 1936, or the Nursing Homes Registration (Scotland) Act, 1938 ; or
- (e) in any home or institution not specified in this section but maintained by a public or local authority.

(4) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person in compliance with a supervision order or probation order or by virtue of a fit person order or while he is in an approved school or is deemed for the purposes of the Children and Young Persons Act, 1933, or of the Children and Young Persons (Scotland) Act, 1937, to be under the care of the managers of an approved school.

(5) A child who is a mental defective is not a foster child within the meaning of this Part of this Act while he is in any institution, house or home certified or approved under the Mental Deficiency Acts, 1913 to 1938, or the Mental Deficiency (Scotland) Acts, 1913 and 1940, or while, not being in such an institution, house or home,—

- (a) he is under care with the consent of the Board of Control or of the General Board of Control for Scotland under the said enactments ; or
- (b) he is under care after notice in respect of him has been given to the Board of Control in accordance with subsection (2) of section fifty-one of the Mental Deficiency Act, 1913, or to the General Board of Control for Scotland in accordance with Regulation one hundred and forty-eight of the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations, 1914.

(6) For the purposes of this Part of this Act a person undertaking the care and maintenance of a child shall be deemed to do so for reward if he receives any payment or gift of money

or money's worth or any promise of such a payment or gift in connection therewith, irrespective of whether he makes a profit or intends to make a profit; but where two persons arrange for each to undertake the care and maintenance of a child normally cared for and maintained by the other, the care and maintenance so undertaken shall be treated for the purposes of this subsection as not being a gift of money's worth.

PART I
—cont.

(7) For the purposes of this Part of this Act a person to whom a guardian's allowance under the National Insurance Acts, 1946 to 1957 or a family allowance under the Family Allowances Acts, 1945 to 1956 is payable by reason of his maintaining another person's child shall, if one or both of the child's parents are dead, be treated as having undertaken his care and maintenance for reward from the last of the following dates, that is to say—

- (a) the date on which the application for the allowance was granted;
- (b) the date of the death of the first to die of the child's parents;
- (c) where the person who is maintaining the child had reasonable cause to believe that both parents of the child were alive, the date on which he became aware that one of the child's parents had died.

3.—(1) A person who proposes to maintain as a foster child a child not already in his care shall give written notice thereof to the local authority not less than two weeks before he receives the child, unless he receives him in an emergency; and a person who maintains a foster child whom he received in an emergency or who became a foster child while in his care shall give written notice thereof to the local authority not later than one week after he receives the child or, as the case may be, after the child becomes a foster child.

Duty of
persons
maintaining
foster children
to notify local
authority.

(2) Every such notice shall specify the premises in which the child is to be or is being kept and shall be given to the local authority for the area in which those premises are situated.

(3) Where a person who is maintaining a foster child changes his permanent address or the premises in which the child is kept he shall, not less than two weeks before the change, or, if the change is made in an emergency, not later than one week after the change, give written notice to the said local authority, specifying the new address or premises, and if the new premises are in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in subsection (7) of this section as are known to them.

PART I
—cont.

(4) If a foster child dies or is removed or removes himself from the care of the person maintaining him, that person shall, within forty-eight hours thereof, give to the local authority and to the person from whom the child was received notice in writing of the death or removal; and a notice of removal shall state, if known, the name and address of the person (if any) into whose care the child has been removed or received.

(5) Where a foster child ceases to be a foster child on his removal from the care of the person maintaining him, that person need not give a notice under subsection (4) of this section but shall at the request of the local authority give them the same particulars as would have been required to be stated in the notice; and a person who maintains or proposes to maintain a foster child need not give a notice under subsection (1) of this section if the child has within the last three months been maintained by him as a foster child but ceased to be a foster child while in his care or on removal from his care.

(6) A local authority may exempt any person from the duty of giving notices under this section, and any such exemption may be granted as regards all or any such notices for a specified period, and may be revoked at any time by notice in writing served on that person.

(7) A person maintaining or proposing to maintain a foster child shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex, and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

Power to
inspect
premises,
impose
conditions, or
prohibit the
keeping of
foster children.

4.—(1) Any officer of a local authority authorised to visit foster children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in which foster children are to be or are being kept.

(2) Where a person is keeping or proposes to keep foster children in premises used (while foster children are kept therein) wholly or mainly for that purpose, the local authority may impose on him requirements, to be complied with, after such time as the authority may specify, whenever a foster child is kept in the premises, as to—

- (a) the number, age and sex of the foster children who may be kept at any one time in the premises or any part thereof;
- (b) the accommodation and equipment to be provided for the children;
- (c) the medical arrangements to be made for protecting the health of the children;

- (d) the giving of particulars of the person for the time being in charge of the children ;
- (e) the number, qualifications or experience of the persons employed in looking after the children ;
- (f) the keeping of records ;

but any requirement imposed under paragraphs (b) to (f) of this subsection may be limited by the authority so as to apply only when the number of foster children kept in the premises exceeds a specified number.

(3) Where a person proposes to keep a foster child in any premises and the local authority are of opinion that it would be detrimental to that child to be kept by him in those premises, the local authority may prohibit him from doing so ; and if the premises are not for the time being used by him for the keeping of any foster child and the local authority are of opinion that it would be detrimental to any foster child to be kept by him in those premises, the local authority may prohibit his use of the premises for the keeping of any foster child.

(4) Where a local authority impose a requirement on any person under subsection (2) of this section as respects any premises, they may prohibit him from keeping foster children in the premises after the time specified for compliance with the requirement unless the requirement is complied with.

(5) Any requirement or prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed.

5.—(1) Any person aggrieved by any requirement or prohibition imposed under section four of this Act may, within fourteen days from the date on which he is notified of the requirement or prohibition, appeal to a juvenile court, and where the appeal is against such a requirement the requirement shall not have effect while the appeal is pending.

Appeal to
juvenile court
against
requirement or
prohibition
imposed under
section four.

(2) Where the court allows such an appeal it may, instead of cancelling the requirement or prohibition, vary the requirement or allow more time for compliance with it or, where an absolute prohibition has been imposed, substitute for it a prohibition to use the premises after such time as the court may specify unless such specified requirements as the local authority had power to impose under section four of this Act are complied with.

(3) Any notice by which a requirement or prohibition is imposed on any person under section four of this Act shall contain a statement informing him of his right to appeal against the requirement or prohibition and of the time within which he may do so.

PART
—cont.

(4) Any requirement or prohibition specified or substituted under this section by the court shall be deemed for the purposes of this Part of this Act other than this section to have been imposed by the local authority under section four of this Act.

(5) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

Disqualifica-
tion for
keeping foster
children.

6. A person shall not maintain a foster child if—

- (a) an order has been made against him under this Part of this Act removing a child from his care ;
- (b) an order has been made under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, in respect of any child found to be in need of care or protection, being an order by virtue of which the child was removed from his care ;
- (c) he has been convicted of any offence specified in the First Schedule to the said Act of 1933 or the First Schedule to the said Act of 1937 ;
- (d) his rights and powers with respect to a child have been vested in a local authority under section two of the Children Act, 1948 ;
- (e) a local health authority have made an order under subsection (4) of section one of the Nurseries and Child-Minders Regulation Act, 1948, refusing his registration under that Act or an order under section five of that Act cancelling his registration under that Act or the registration under that Act of any premises occupied by him,

unless he has disclosed that fact to the local authority and obtained their consent.

Removal
of foster
children kept
in unsuitable
surroundings.

7.—(1) If a juvenile court is satisfied, on the complaint of a local authority, that a foster child is being kept or is about to be received by any person who is unfit to have his care, or in contravention of the last foregoing section or of any prohibition imposed by a local authority under section four of this Act, or in any premises or any environment detrimental or likely to be detrimental to him, the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him ; and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit foster children.

(2) An order under this section may be executed by any person authorised to visit foster children or by any constable and may, notwithstanding anything in section six of the Sunday Observance Act, 1677, be executed on a Sunday.

(3) An order under this section made on the ground that a prohibition of a local authority under section four of this Act has been contravened may require the removal from the premises of all the foster children kept there.

(4) A local authority may receive into their care under section one of the Children Act, 1948, any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section one and notwithstanding that he may appear to the local authority to be over the age of seventeen.

(5) Where a child is removed under this section the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

(6) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

8. For the purposes of section forty of the Children and Young Persons Act, 1933, or section forty-seven of the Children and Young Persons (Scotland) Act, 1937 (which enable a warrant authorising the search for and removal of a child to be issued on suspicion of unnecessary suffering caused to, or certain offences committed against, the child), any refusal to allow the visiting of a foster child or the inspection of any premises by a person authorised to do so under this Part of this Act shall be treated as giving reasonable cause for such a suspicion. Extension of power to issue warrants to search for and remove a child.

9. A person who maintains a foster child shall be deemed for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child. Avoidance of insurances on lives of foster children.

10. Subsection (2) of section forty-seven of the Children and Young Persons Act, 1933 (which restricts the time and place at which a sitting of a juvenile court may be held and the persons who may be present at such a sitting) shall not apply to any sitting of a juvenile court in any proceedings under this Part of this Act. Sittings of juvenile courts in proceedings under Part I.

11. An appeal shall lie to quarter sessions from any order made under this Part of this Act by a juvenile court or any other magistrates' court within the meaning of the Magistrates' Courts Act, 1952. Appeal to quarter sessions.

PART I
—cont.

Extension of
Part I to
certain school
children
during
holidays.

12.—(1) Where a child below the upper limit of the compulsory school age resides during school holidays in a school to which this section applies, then, if he so resides for a period exceeding one month, the provisions of this Part of this Act shall apply in relation to him as if paragraph (c) of subsection (3) of section two of this Act were omitted, but subject to the modifications specified in the next following subsection.

(2) Where this Part of this Act applies to a child by virtue of the foregoing subsection—

(a) subsections (1) to (6) of section three, subsections (2) to (5) of section four, and section thirteen of this Act shall not apply ; but

(b) the person undertaking the care and maintenance of children in the school during the school holidays shall, not less than two weeks before this Part of this Act first applies to a child in that school during those holidays, give written notice to the local authority that children to whom this Part of this Act applies will reside in the school during those holidays, and any such notice shall state the estimated number of the children.

(3) A local authority may exempt any person from the duty of giving notices under this section, and any such exemption may be granted for a specified period or indefinitely and may be revoked at any time by notice in writing served on that person.

(4) This section applies to any school within the meaning of the Education Acts, 1944 to 1953, which is not a school maintained by a local education authority.

Extension of
Part I to
certain
children above
compulsory
school age.

13. Where a child is a foster child on attaining the upper limit of the compulsory school age this Part of this Act shall apply in relation to him as it applies in relation to a foster child, until the earliest of the following events, that is to say, until—

(a) he would, apart from that limit, have ceased to be a foster child ;

(b) he reaches the age of eighteen ; or

(c) he lives elsewhere than with the person with whom he was living when he attained the said limit.

Offences.

14.—(1) A person shall be guilty of an offence if—

(a) being required, under any provision of this Part of this Act, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information ;

PART I
—cont.

- (b) he refuses to allow the visiting of any foster child by a duly authorised officer of a local authority or the inspection, under the power conferred by subsection (1) of section four of this Act, of any premises ;
- (c) he fails to comply with any requirement imposed by a local authority under this Part of this Act or keeps any foster child in any premises in contravention of a prohibition so imposed ;
- (d) he maintains a foster child in contravention of section six of this Act ; or
- (e) he refuses to comply with an order under this Part of this Act for the removal of any child or obstructs any person in the execution of such an order.

(2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) In England and Wales, a local authority may institute proceedings for an offence under this section.

15. Any notice or information required to be given under this Part of this Act may be given by post. Service of notices by post.

16.—(1) Any notice by a local authority under this Part of this Act may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised in writing to sign such a notice. Authentication of documents.

(2) Any notice purporting to bear the signature of the clerk of a local authority or any officer stated therein to be authorised by the authority to sign notices under this Part of this Act shall be deemed, until the contrary is proved, to have been duly given by the authority.

17. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say,— Interpretation of Part I.

“ child ” means a person under the age of eighteen ;

“ compulsory school age ” has, in England and Wales, the same meaning as in the Education Acts, 1944 to 1953 and, in Scotland, means school age within the meaning of the Education (Scotland) Acts, 1939 to 1956 ;

“ fit person order ” means an order under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, committing a child to the care of a fit person ;

“ local authority ” means, in England and Wales, the council of a county or county borough and, in Scotland, the council of a county or large burgh ;

PART I
—cont.

“parent”, in relation to a child adopted in pursuance of any enactment (including any enactment of the Parliament of Northern Ireland), means the person or one of the persons by whom he was adopted;

“place of safety” means a home provided by a local authority under Part II of the Children Act, 1948, remand home, police station, or any hospital, surgery or other suitable place the occupier of which is willing temporarily to receive a child;

“relative” has the same meaning as in the Adoption Act, 1950;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit.

PART II

AMENDMENTS OF ADOPTION ACT, 1950

Consents to
adoption.

18.—(1) So much of subsection (4) of section two of the Adoption Act, 1950 (in this Part of this Act referred to as the principal Act) as prohibits the making of an adoption order without the consent of persons or bodies liable by virtue of any order or agreement to contribute to the maintenance of the infant shall cease to have effect.

(2) It is hereby declared that the reference in paragraph (a) of the said subsection (4) to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of any of the following enactments, that is to say—

(a) section seventy-five of the Children and Young Persons Act, 1933, or sub-paragraph (1) of paragraph 12 of the Fourth Schedule to that Act (which relate to the exercise of parental rights in respect of children and young persons who are committed to the care of fit persons or ordered to be sent to approved schools);

(b) section seventy-nine of the Children and Young Persons (Scotland) Act, 1937, or sub-paragraph (1) of paragraph 12 of the Second Schedule to that Act (which make corresponding provision in Scotland);

(c) section three of the Children Act, 1948 (which applies to children in respect of whom the local authority have assumed parental rights by resolution under section two of that Act).

(3) If upon application for an adoption order the court is satisfied that any person whose consent is required under section two of the principal Act as parent or guardian of the infant has persistently failed without reasonable cause to discharge the

obligations of a parent or guardian of the infant, the court may dispense with the consent of that person whether or not it is satisfied of the matters specified in paragraph (a) or paragraph (c) of subsection (1) of section three of the principal Act.

PART II
—cont.

(4) Subsection (2) of section four of the principal Act (which provides for the admission in evidence, without proof of execution, of a document signifying consent on the part of a parent or guardian if attested by a justice of the peace) shall apply to a document executed in England and attested or purporting to be attested—

(a) by an officer of a county court appointed for the purposes of section eighty-four of the County Courts Act, 1934 (which relates to the taking of affidavits);

(b) by a justices' clerk within the meaning of section twenty-one of the Justices of the Peace Act, 1949, as it applies to a document attested or purporting to be attested by a justice of the peace; and the reference to a justice of the peace in subsection (3) of that section (which prohibits the admission in evidence of a document signifying the consent of a mother of an infant unless attested as therein mentioned) shall be construed accordingly.

19.—(1) Subject to subsection (2) of this section, an adoption order shall not be made in respect of an infant unless the applicant—

Other
conditions
of adoption.

(a) is the mother or father of the infant;

(b) is a relative of the infant, and has attained the age of twenty-one years; or

(c) has attained the age of twenty-five years.

(2) An adoption order may be made in respect of an infant on the joint application of two spouses—

(a) if either of the applicants is the mother or father of the infant; or

(b) if the condition set out in paragraph (b) or paragraph (c) of subsection (1) of this section is satisfied in the case of one of the applicants, and the other of them has attained the age of twenty-one years.

(3) For the purposes of paragraph (a) of subsection (6) of section two of the principal Act (which requires that the infant should have been continuously in the care and possession of the applicant for the three months preceding the date of the order) no account shall be taken of any time before the date which appears to the court to be the date on which the infant attained the age of six weeks.

(4) Paragraph (b) of the said subsection (6) (which requires that three months' notice of intention to apply for an adoption

PART II
—cont.

order should have been given by the applicant to the local authority) shall not apply—

- (a) where the infant is above the upper limit of the compulsory school age at the hearing of the application ;
or
- (b) where the applicant or one of the applicants is a parent of the infant.

(5) In determining for the purposes of paragraph (b) of subsection (1) of section five of the principal Act whether an adoption order if made will be for the welfare of the infant, the court shall have regard (among other things) to the health of the applicant as evidenced, in such cases as may be prescribed, by the certificate of a fully registered medical practitioner.

Interim
orders.

20. Where an interim order has been made under section six of the principal Act giving the custody of an infant to the applicant for a period of less than two years, the court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order as amended under this section shall not exceed two years.

Procedure and
evidence.

21.—(1) Each of the following powers, that is to say,—

- (a) the power to make rules under subsection (2) of section eight of the principal Act ;
- (b) the power to make acts of sederunt under subsection (2) of section nine of that Act ;
- (c) the power by virtue of paragraph (j) of subsection (1) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952, to make rules under section fifteen of the Justices of the Peace Act, 1949, as to the matters mentioned in subsection (2) of the said section eight,

includes power to make provision for excluding or restricting the jurisdiction of any court to which such rules or acts apply where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(2) Where, on an application made in England to a court of summary jurisdiction, the court makes or refuses to make an adoption order, an appeal shall lie to the High Court.

(3) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any court or person to the High Court to be heard and determined by a divisional court shall not apply to appeals under subsection (2) of this section.

(4) Rules made under the power mentioned in paragraph (c) of subsection (1) of this section may provide for enabling any fact tending to establish the identity of an infant with an infant to whom any document relates to be proved by affidavit and for excluding or restricting in relation to any facts that may be so proved the power of a justice of the peace to compel the attendance of witnesses.

PART II
—cont.

22.—(1) For the purposes of subsection (2) of section Effects of thirteen of the principal Act (which regulates the construction adoption. of certain dispositions by settlement or will made after the date of an adoption order so as to include the adopted person in references to children of the adopter, and exclude him from references to children of his natural parents) a disposition made by will or codicil executed or confirmed after the commencement of this Act shall be treated as made on the date of the death of the testator.

(2) In section eleven of the Married Women's Property Act, 1882, and section two of the Married Women's Policies of Assurance (Scotland) Act, 1880 (which make provision as to policies of assurance effected for the benefit of children) references to a person's children shall include, and be deemed always to have included, references to children adopted by that person under an adoption order.

(3) After an adoption order has been made in respect of an infant who is illegitimate, no affiliation order or decree of affiliation and aliment shall be made with respect to the infant unless the adoption order was made on the application of the mother of the infant alone.

(4) So much of subsection (2) of section twelve of the principal Act as provides that an affiliation order, decree of affiliation and aliment or agreement in respect of an infant adopted by his mother shall cease to have effect on her marriage shall not apply in the case of a marriage after the commencement of this Act, but without prejudice to the power of any court to revoke or vary in consequence of the marriage so much of any such order or decree as provides for the payment of money.

(5) In this section, "adoption order" includes,—

- (a) in subsection (2), an adoption order made under any enactment repealed by the principal Act;
- (b) in subsection (3), an order authorising an adoption made under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

PART II
—*cont.*

Adoption by
persons
domiciled but
not ordinarily
resident in
Great Britain.

23.—(1) Notwithstanding anything in the principal Act, an adoption order may be made on the application of a person who is not ordinarily resident in Great Britain; and in relation to an application for an adoption order made by such a person Part I of that Act shall have effect subject to the following modifications, that is to say:—

- (a) subsection (5) of section two (which precludes the making of adoption orders in England or Scotland unless the adopter and the infant reside in England or Scotland, as the case may be) shall not apply;
- (b) subsection (1) of section eight and subsection (1) of section nine (which prescribe the court in which an application may be made) shall not apply, but the application may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff;
- (c) in paragraph (b) of subsection (6) of section two (which requires that three months' notice of intention to apply for the order should have been given by the applicant to the local authority within whose area he was resident at the material time) for the word "resident" there shall be substituted the word "living".

(2) Where any such application is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Great Britain, the notice required by paragraph (b) of subsection (6) of section two of the principal Act may be given by either of the applicants; and the provisions of paragraph (a) of that subsection (which requires that the infant should have been continuously in the care and possession of the applicant for at least three consecutive months before the order) shall be deemed to be complied with if they are complied with in the case of one of the applicants and if the applicants have been living together in Great Britain for at least one of those three months.

(3) This section does not affect the construction of paragraph (a) of subsection (6) of section two of the principal Act in its application to any joint application to which subsection (2) of this section does not apply.

Provisional
adoption by
persons
domiciled
outside Great
Britain.

24.—(1) If the court is satisfied, upon an application made by a person who is not domiciled in England or Scotland, that the applicant intends to adopt an infant under the law of or within the country in which he is domiciled, and for that purpose desires to remove the infant from Great Britain either immediately or after an interval, the court may, subject to the provisions of this section, make an order (in this Act referred to as a provisional adoption order) authorising the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his adoption as aforesaid.

(2) An application for a provisional adoption order may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff.

(3) A provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under Part I of the principal Act as amended by this Act, but shall not be made in any other case.

(4) Subject to the provisions of this section, the provisions of the principal Act (except sections thirteen and fourteen, which relate to the devolution of property under the law of England, and except section sixteen, which relates to citizenship), and the provisions of this Part of this Act (except so far as they amend the said excepted provisions of the principal Act), shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, and references in those provisions to adoption, to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorised to be adopted under such an order shall be construed accordingly.

(5) In relation to a provisional adoption order subsection (6) of section two of the principal Act shall have effect as if for the word "three", both where it occurs in paragraph (a) and where it occurs in paragraph (b), there were substituted the word "six".

(6) Any entry in the Registers of Births, the Register of Births or the Adopted Children Register which, by virtue of this section, is required to be marked by the Registrar in consequence of the making of a provisional adoption order shall, in lieu of being marked with the word "Adopted" or "Re-adopted" (with or without the addition of the word "(Scotland)" or "(England)") be marked with the words "Provisionally adopted" or "Provisionally re-adopted", as the case may require.

25.—(1) For the purposes of subsection (4) of section seventeen of the principal Act (which provides that information contained in the registers and books kept by the Registrar under that subsection, and copies or extracts from them, shall not be furnished except under an order of a court of competent jurisdiction), the following courts shall be courts of competent jurisdiction, that is to say—

- (a) the High Court;
- (b) the Westminster County Court or such other county court as may be prescribed; and
- (c) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates.

PART II
—cont.

(2) For the purposes of any direction to be given by the court under subsection (1) of section eighteen or subsection (1) of section twenty of the principal Act (which provide for the entries to be made in the Adopted Children Registers) the names to be specified in the order as the name and surname of an adopted infant shall be, and shall be only, the name or names and surname stated in that behalf in the application for the adoption order, or if no name or surname is so stated, the original name or names of the infant, and the surname of the applicant.

(3) So much of subsection (2) of section eighteen and subsection (2) of section twenty of the principal Act as authorises the omission from an adoption order and from the Adopted Children Register of particulars of the country of birth of the infant in any case where that country is not proved to the satisfaction of the court shall not apply if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man; and in any such case the infant shall be treated for the purposes of the direction to be given to the Registrar in the order as having been born in the country in which the court sits.

(4) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the First Schedule to the principal Act shall include, in the case of an infant born in England, the registration district and sub-district in which the birth took place; and where the infant was born in England but the registration district and sub-district in which the birth of the infant took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of subsection (3) of this section as born in England, he shall be treated for the purposes of this subsection as born in the district and sub-district in which the court sits.

(5) Where a child in respect of whom an adoption order has been made is baptised, the entry to be made in the register under section three of the Parochial Registers Act, 1812, or, as the case may be, the certificate to be transmitted under section four of that Act, shall describe the child as the adopted son or daughter of the person or persons by whom he or she was adopted (with no further qualification in the case of a provisional adoption order), instead of as the son or daughter of the natural parents.

Amendment
of orders and
rectification
of registers.

26.—(1) Without prejudice to subsection (1) of section twenty-one of the principal Act (which enables the court to correct errors in the particulars contained in an adoption order), the court by which an adoption order has been made may—

(a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name has been given

PART II
—cont.

to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name in those particulars, as the case may require ;

(b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Registers of Births, the Register of Births or the Adopted Children Register included in the order in pursuance of subsection (3) or subsection (4) of section eighteen or subsection (4) or subsection (5) of section twenty of the principal Act was wrongly so included, revoke that direction ;

(c) in the case of an order made before the commencement of this Act, make, on the application of the adopter or of the adopted person, any such amendment of the particulars specified in the order as appears to be required to bring the order into the form in which it would have been made if section eighteen or section twenty of the principal Act, as the case may be, had applied as amended by this Act to the order, subject to the modification that, where the application relates to an order in which the surname of the adopted person is not specified, the name which was his surname one year after the date of the order may be added in the said particulars instead of the adopter's (if different), notwithstanding anything in subsection (2) of section twenty-five of this Act.

(2) Where an adoption order is amended or a direction revoked under subsection (1) of this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the amendment to be communicated in the prescribed manner to the Registrar, who shall as the case may require,—

(a) cause the entry in the Adopted Children Register to be amended accordingly ; or

(b) cause the marking of the entry in the Registers of Births, the Register of Births or the Adopted Children Register to be cancelled ;

and subsection (6) of section twenty-one of the principal Act (which relates to certified copies of entries of which the marking is cancelled under that section) shall have effect as if the reference to that section included a reference to this subsection.

(3) Where an adoption order has been amended, whether before or after the commencement of this Act, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section seventeen of the principal Act shall be a copy of the entry as amended,

PART II
—cont.

without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto.

(4) In this section “adoption order” includes an adoption order made under any enactment repealed by the principal Act.

Legitimation
following
adoption.

27.—(1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother (whether before or after the commencement of this Act), the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(2) Where an adoption order is revoked under this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the revocation to be communicated in the prescribed manner to the Registrar, who shall cause to be cancelled—

- (a) the entry in the Adopted Children Register relating to the adopted person ; and
- (b) the marking with the word “Adopted” (or, as the case may be, with that word and the word “(Scotland)” or “(England)”) of any entry relating to him in the Registers of Births or the Register of Births,

and subsection (6) of section twenty-one of the principal Act (which relates to certified copies of entries of which the marking is cancelled under that section) shall have effect as if the reference to that section included a reference to this subsection.

(3) Without prejudice to the provisions of subsection (2) of this section, where, after an entry in the Registers of Births or the Register of Births has been marked in pursuance of any provision of the principal Act with the word “Adopted” (with or without the addition of the word “(Scotland)” or “(England)”) the birth is re-registered under section fourteen of the Births and Deaths Registration Act, 1953, or section two of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which provide for the re-registration of the birth of legitimated persons), the entry made on the re-registration shall be marked in the like manner.

(4) In this section “adoption order” includes an adoption order made under any enactment repealed by the principal Act.

Penalty for
making
unauthorised
arrangements
for adoption.

28.—(1) Where arrangements for the adoption of an infant are made in contravention of subsection (1) of section twenty-two of the principal Act (which prohibits any body of persons other than a registered adoption society or a local authority from making arrangements for adoption) every person who is guilty of the contravention shall be liable on summary conviction to

imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both.

(2) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall have effect as if subsection (1) of this section were included in the said section twenty-two.

29. The power of the Secretary of State to make regulations in relation to registered adoption societies under section twenty-five of the principal Act shall include power to make regulations for prohibiting or restricting the disclosure of records kept by such societies and making provision for the safe keeping of such records when they are no longer required. Adoption societies regulations.

30.—(1) In subsection (1) of section forty-three of the principal Act (which enables local authorities to make arrangements for the adoption of children in connection with their functions under any enactment relating to children) the words “in connection with their functions under any enactment relating to children” shall be omitted. Power of local authorities to arrange adoptions.

(2) The Secretary of State may make regulations with respect to the exercise by local authorities of their functions under the said subsection (1), and such regulations may make provision, in relation to local authorities who make or participate in arrangements for the adoption of children, for purposes corresponding with the purposes for which the Secretary of State has power under section twenty-five of the principal Act to make regulations in relation to registered adoption societies.

31.—(1) Subject to subsection (2) of this section, at any time after an infant has been delivered into the care and possession of any person in pursuance of arrangements made by a registered adoption society or local authority for the adoption of the infant by that person, and before an adoption order has been made on the application of that person in respect of the infant— Return of infants placed by adoption societies and local authorities.

(a) that person may give notice in writing to the society or authority of his intention not to retain the care and possession of the infant; or

(b) the society or authority may cause notice in writing to be given to that person of their intention not to allow the infant to remain in his care and possession.

(2) After an application has been made for an adoption order in the case of an infant, no notice shall be given in respect of that infant under paragraph (b) of subsection (1) of this section except with the leave of the court.

(3) Where a notice is given to an adoption society or local authority by any person, or by such a society or authority to any person, under subsection (1) of this section, or where an application for an adoption order made by any person in respect

PART II
—cont.

of an infant placed in his care and possession by such a society or authority is refused by the court or withdrawn, that person shall, within seven days after the date on which notice was given or the application refused or withdrawn, as the case may be, cause the infant to be returned to the society or authority, and the society or authority shall receive the infant.

(4) Where the period specified in an interim order made under section six of the principal Act (whether as originally made or as amended under section twenty of this Act) expires without an adoption order having been made in respect of the infant, subsection (3) of this section shall apply as if the application for an adoption order upon which the interim order was made had been refused at the expiration of that period.

(5) It shall be sufficient compliance with the requirements of subsection (3) of this section if the infant is delivered to, and is received by, a suitable person nominated for the purpose by the adoption society or local authority.

(6) Subsection (5) of section twenty-seven of the principal Act (which provides for penalties for contraventions of that section), and section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act), shall have effect as if the foregoing provisions of this section were included in the said section twenty-seven.

Further
provisions as
to adoption of
children in
care of local
authorities.

32.—(1) Where notice of intention to apply for an adoption order is given in pursuance of paragraph (b) of subsection (6) of section two of the principal Act in respect of an infant who is for the time being in the care of a local authority, not being an infant who was delivered into the care and possession of the person by whom the notice is given in pursuance of such arrangements as are described in subsection (1) of section thirty-one of this Act, the said section thirty-one shall apply as if the infant had been so delivered, except that where the application is refused by the court or withdrawn the infant need not be returned to the local authority unless the local authority so require.

(2) Where notice of intention is given as aforesaid in respect of any infant who is for the time being in the care of a local authority then, until the application for an adoption order has been made and disposed of, any right of the local authority to require the infant to be returned to them otherwise than in pursuance of the said section thirty-one shall be suspended; and while the infant remains in the care and possession of the person by whom the notice is given—

(a) no contribution shall be payable (whether under a contribution order or otherwise) in respect of the infant by any person liable under section eighty-six of the Children and Young Persons Act, 1933, or section ninety of the Children and Young Persons (Scotland)

Act, 1937, to make contributions in respect of him (but without prejudice to the recovery of any sum due at the time the notice is given); and

- (b) subsections (2) and (3) of section eleven of the Family Allowances Act, 1945 (which provide that certain children in the care of a local authority shall not be treated as included in any family for the purposes of that Act) shall not apply in relation to the infant,

unless twelve weeks have elapsed since the giving of the notice without the application being made or the application has been refused by the court or withdrawn.

(3) Where notice of intention to apply for an adoption order is given as aforesaid in respect of any infant who is for the time being in the care of a local authority, and is given to a local authority other than the local authority in whose care the infant is, the authority to whom the notice is given shall inform that other authority of the receipt of the notice.

33.—(1) Except under the authority of a provisional adoption order, it shall not be lawful for any person to take or send an infant who is a British subject out of Great Britain to any place outside the British Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or relative of the infant; and any person who takes or sends an infant out of Great Britain to any place in contravention of this subsection, or makes or takes part in any arrangements for transferring the care and possession of an infant to any person for that purpose, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

Restriction on removal of infants for adoption outside British Islands.

(2) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(3) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall apply to offences under this section as if they were offences under Part IV of that Act.

(4) In this section “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

(5) In the application of this section to Scotland, for the words “admissible as evidence” there shall be substituted the words “sufficient evidence”.

PART II
—*cont.*

**Prohibition
of certain
payments**

34.—(1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—

- (a) the adoption by that person of an infant ;
- (b) the grant by that person of any consent required in connection with the adoption of an infant ;
- (c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant ; or
- (d) the making by that person of any arrangements for the adoption of an infant.

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both ; and the court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(3) This section does not apply to any payment made to an adoption society or local authority by a parent or guardian of an infant or by a person who adopts or proposes to adopt an infant, being a payment in respect of expenses reasonably incurred by the society or authority in connection with the adoption of the infant, or to any payment or reward authorised by the court to which an application for an adoption order in respect of an infant is made.

(4) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall apply to offences under this section as if they were offences under Part IV of that Act.

**Children
awaiting
adoption or
placed with
strangers.**

35. The provisions of the First Schedule to this Act shall have effect for making in relation to certain children awaiting adoption or placed with strangers provision similar to the provision made by Part I of this Act in relation to foster children.

**Interpretation
and
construction of
Part II.**

36.—(1) In this Part of this Act “the Registrar” means the Registrar General for England and Wales or the Registrar General of Births, Deaths and Marriages in Scotland, as the case may require.

(2) In relation to an adoption order made by a magistrates’ court, the reference in subsection (1) of each of the following sections, that is to say, section twenty-five, section twenty-six and

section twenty-seven of this Act, to the court by which an order has been made includes a reference to a court acting for the same petty sessions area.

PART II
—cont.

(3) This Part of this Act shall be construed as one with the principal Act, and without prejudice to the foregoing provision, references in the principal Act to Part I of that Act shall be construed as including references to sections eighteen to twenty-seven of this Act.

PART III

MISCELLANEOUS AND GENERAL

37.—(1) No advertisement indicating that a person will undertake, or will arrange for, the care and maintenance of a child shall be published, unless it truly states that person's name and address.

Prohibition of
anonymous
advertisements
offering to
undertake care
of children.

(2) A person who causes to be published or knowingly publishes an advertisement in contravention of this section shall be guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) In England and Wales, a local authority may institute proceedings for an offence under this section.

38.—(1) Section one hundred and twenty-seven of the Children Act, 1908 (which enables a court of summary jurisdiction by whose order a child is removed from the care of any person under the enactments replaced by Part I of this Act to substitute another person as the recipient of sums payable under a trust in respect of the maintenance of the child) is hereby repealed.

Repeal of
obsolete
enactments.

(2) Section ten of the Adoption of Children Act, 1926 (which made special provision for the adoption under that Act of infants who had been adopted in fact for at least two years before the commencement of that Act), and section ten of the Adoption of Children (Scotland) Act, 1930 (which made corresponding provision in relation to Scotland) are hereby repealed.

39. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided—

Expenses.

(a) under section forty-seven of the Children Act, 1948 ;
or

(b) under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

PART III
—cont.

Minor and consequential amendments and repeals.

40.—(1) The enactments described in the first column of the Second Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments described in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, construction, commencement and extent.

41.—(1) This Act may be cited as the Children Act, 1958.

(2) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any subsequent enactment, including, except where the context otherwise requires, this Act.

(3) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

(4) This Act does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 35.

PROVISIONS AS TO CHILDREN AWAITING ADOPTION OR PLACED
WITH STRANGERS*Meaning of protected child*

1. Subject to the following provisions of this Schedule, where—
 - (a) arrangements are made for placing a child below the upper limit of the compulsory school age in the care and possession of a person who is not a parent, guardian or relative of his, and another person, not being a parent or guardian of his, takes part in the arrangements; or
 - (b) notice of intention to apply for an adoption order in respect of a child is given under paragraph (b) of subsection (6) of section two of the principal Act,

then, while the child is in the care and possession of the person first mentioned in sub-paragraph (a) of this paragraph or, as the case may be, of the person giving the notice mentioned in sub-paragraph (b) thereof, but is not a foster child within the meaning of Part I of this Act, he is a protected child within the meaning of this Schedule.

2. A child is not a protected child by reason of any such arrangements as are mentioned in sub-paragraph (a) of paragraph 1 of this Schedule if the Minister of Pensions and National Insurance took part in them or if the child is only temporarily in the care and possession of the person first mentioned in that sub-paragraph, nor while the child is in the care of any person in any of the circumstances mentioned in subsections (2), (4) or (5) of section two of this Act or paragraphs (b) to (e) of subsection (3) of that section.

3. A child is not a protected child by reason of any such notice as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule while he is in an approved school or in the care of any person in any such school, home or institution as is mentioned in subsection (3) or subsection (5) of section two of this Act.

4. A protected child ceases to be a protected child on the making of an adoption order in respect of him or on his attaining the age of eighteen, whichever first occurs.

Duty of local authority to secure well-being of protected children

5. It shall be the duty of every local authority to secure that protected children within their area are visited from time to time by officers of the authority, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

Power to inspect premises

6. Any officer of a local authority authorised to visit protected children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in which such children are to be or are being kept.

1ST SCH.
—cont.

Notices and information to be given to local authorities

7. Subject to paragraph 8 of this Schedule, where arrangements are made for the placing of a child in the care and possession of any person and by reason of the arrangements the child would be a protected child while in the care and possession of that person, every person taking part in the arrangements shall give notice in writing of the arrangements to the local authority for the area in which the person in whose care and possession the child is to be placed is living.

8. A notice under paragraph 7 of this Schedule need not be given by the person in whose care and possession the child is to be placed, nor by a parent or guardian of the child.

9. A notice under paragraph 7 of this Schedule shall be given not less than two weeks before the child is placed as mentioned in that paragraph, except that where the child is so placed in an emergency, the notice may be given not later than one week after the child is so placed.

10. Where a person who has a protected child in his care and possession changes his permanent address he shall, not less than two weeks before the change, or, if the change is made in an emergency, not later than one week after the change, give written notice specifying the new address to the local authority in whose area his permanent address is before the change, and if the new address is in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in paragraph 12 of this Schedule as are known to them.

11. If a protected child dies, the person in whose care and possession he was at his death shall within forty-eight hours of the death give to the local authority notice in writing of the death.

12. A person who has or proposes to have a protected child in his care and possession shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

Power of local authority to prohibit placing of child

13. Where arrangements are made for the placing of a child in the care and possession of any person, and by reason of the arrangements the child would be a protected child while in the care and possession of that person, then, if neither a registered adoption society nor a local authority took part in the arrangements and it appears to the authority to whom notice is to be given under paragraph 7 of this Schedule that it would be detrimental to the child to be kept by that person in the premises in which he proposes to keep him, they may by notice in writing given to that person prohibit him from receiving the child in those premises.

Appeal to juvenile court against prohibition under paragraph 13

1ST SCH.

—cont.

14.—(1) A person aggrieved by a prohibition imposed under paragraph 13 of this Schedule may, within fourteen days from the date on which he is notified of the prohibition, appeal to a juvenile court.

(2) The notice by which a prohibition is imposed under paragraph 13 of this Schedule shall contain a statement informing the person on whom it is imposed of his right to appeal against the prohibition and of the time within which he may do so.

(3) In the application of this paragraph to Scotland, for the reference to a juvenile court there shall be substituted a reference to the sheriff.

Removal of protected children from unsuitable surroundings

15.—(1) If a juvenile court is satisfied, on the complaint of a local authority, that a protected child is being kept or is about to be received by any person who is unfit to have his care, or in contravention of any prohibition imposed by the local authority under paragraph 13 of this Schedule, or in any premises or any environment detrimental or likely to be detrimental to him, the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him; and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this paragraph may be exercised by a justice of the peace acting on the application of a person authorised to visit protected children.

(2) An order under this paragraph may be executed by any person authorised to visit protected children or by any constable and may, notwithstanding anything in section six of the Sunday Observance Act, 1677, be executed on a Sunday.

(3) A local authority may receive into their care under section one of the Children Act, 1948, any child removed under this paragraph, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of that section and notwithstanding that he may appear to the local authority to be over the age of seventeen.

(4) Where a child is removed under this paragraph the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

(5) In the application of this paragraph to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

Offences

16.—(1) A person shall be guilty of an offence if—

- (a) being required, under any provision of this Schedule, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information;

1ST SCH.
—cont.

- (b) he refuses to allow the visiting of a protected child by a duly authorised officer of a local authority or the inspection, under the power conferred by paragraph 6 of this Schedule, of any premises ;
- (c) he keeps any child in any premises in contravention of a prohibition imposed under this Schedule ;
- (d) he refuses to comply with an order under this Schedule for the removal of any child or obstructs any person in the execution of such an order.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) The references in section forty-one of the Adoption Act, 1950 (which contains general provisions as to offences under Parts II to IV of that Act), to an offence under Part III of that Act shall be construed as referring to an offence under this paragraph.

Application of ancillary provisions of Part I

17.—(1) Sections eight and nine of this Act shall apply in relation to protected children as they apply in relation to foster children within the meaning of Part I of this Act.

(2) Section ten of this Act shall apply in relation to proceedings under this Schedule as it applies in relation to proceedings under Part I of this Act.

(3) Section eleven of this Act shall apply in relation to an order made under this Schedule as it applies in relation to an order made under Part I of this Act.

(4) Sections fifteen and sixteen of this Act shall apply to notices or information given under this Schedule as they apply to notices or information given under Part I of this Act.

Interpretation

18. For the purposes of this Schedule, a person shall be deemed to take part in arrangements for the placing of a child in the care and possession of another person—

- (a) if he enters into or makes any agreement or arrangement for, or facilitates, the placing of the child in the care and possession of that other person ; or
- (b) if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor,

or if he causes another to do so.

19. A child in the care and possession of two spouses one of whom is a parent, relative or guardian of his shall be deemed for the purposes of this Schedule to be in the care and possession of that one of them.

20. In this Schedule “ compulsory school age ”, “ local authority ”, “ place of safety ” and “ relative ” have the same meanings as in Part I of this Act.

SECOND SCHEDULE

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactment	Amendment
The Children Act, 1948. 11 & 12 Geo. 6. c. 43.	<p>In section thirty-eight, in subsection (1), the word "and", in the second place where that word occurs, shall be omitted and for the words from "and the welfare authorities" to the end of the subsection there shall be substituted the words "and of Part I of the Children Act, 1958, shall be the councils of counties and county boroughs".</p> <p>In section thirty-nine, in subsection (1), for paragraph (b) there shall be substituted the following paragraph:—</p> <p>“(b) Part I of and the First Schedule to the Children Act, 1958”,</p> <p>and after paragraph (c) there shall be inserted the following paragraph:—</p> <p>“(cc) section forty-three of the Adoption Act, 1950.”</p> <p>In section forty-four, in subsection (1), the word “I” and the word “and”, in the third place where that word occurs, shall be omitted, and after the word “1939” there shall be inserted the words “and Part I of and the First Schedule to the Children Act, 1958”.</p> <p>In section fifty-one, in subsection (1), for the words from “the Public Health Act, 1936”, to the end of the subsection, there shall be substituted the words “or Part I of or the First Schedule to the Children Act, 1958”.</p> <p>In section fifty-four, in subsection (1), there shall be added, at the end of the subsection, the words “and Part I of the Children Act, 1958”, and in subsection (2), for paragraphs (c) to (e) there shall be substituted the following paragraph:—</p> <p>“(c) any place where a foster child within the meaning of Part I of the Children Act, 1958, or a child to whom any of the provisions of that Part are extended by section twelve or thirteen of that Act, or a protected child within the meaning of the First Schedule to that Act, is being maintained.”</p>
The Nurseries and Child-Minders Regulation Act, 1948. 11 & 12 Geo. 6. c. 53.	<p>In section eight, in subsection (1), for the words from “section two hundred and nineteen” to the end of the subsection, there shall be substituted the words “section two of the Children Act, 1958”.</p> <p>In section thirteen, in subsection (2), in the definition of “child life protection enactments”, for the words from “relating to child life protection” to the end of the definition there shall be substituted the words “of Part I of the Children Act, 1958”.</p>

2ND SCH.
—cont.

Enactment	Amendment
The Adoption Act, 1950. 14 Geo. 6. c. 26.	<p>In section two, in subsection (6), in paragraph (b), for the words " notified the welfare authority " there shall be substituted the words " given notice in writing to the local authority ", and for the words " is for the time being " there shall be substituted the words " was then ".</p> <p>In section three, in subsection (3), for the words " is to be " there shall be substituted the words " is proposed to be ".</p> <p>In section eight, in subsection (4), the words " or body " shall be omitted; and in subsection (5), for the words " body so appointed is " there shall be substituted the words " person so appointed is an officer of "; and after the word " appoint " there shall be inserted the words " an officer of ".</p> <p>In section thirteen, in subsection (1), for the words " made before the date of the adoption order " there shall be substituted the words " to which subsection (2) of this section does not apply ".</p> <p>In section fourteen, in subsection (4), after the word " made ", in the second place where that word occurs, there shall be inserted the words " or taking effect on the death of a person dying ".</p> <p>In section seventeen, in subsection (2), after the word " country ", in the first place where that word occurs, there shall be inserted the words " or the district and sub-district ", and after that word in the second place where it occurs there shall be inserted the words " or district and sub-district ".</p> <p>In section eighteen, in subsection (5), the words from " both in regard " to the end of the subsection shall be omitted.</p> <p>In section twenty, in subsection (6), the words from " both in regard " to the end of the subsection shall be omitted.</p> <p>In section twenty-one, in subsection (3), for the words " the court which made the order " there shall be substituted the words " by any court, the court ", and after the words " Register of Births ", there shall be inserted the words " or the Adopted Children Register ", and in subsection (7) for the words " petty sessional division or place " there shall be substituted the words " petty sessions area ".</p> <p>In section twenty-two, in subsection (2), for the word " two " there shall be substituted the word " one ".</p>

2ND SCH.
—cont.

Enactment	Amendment
The Adoption Act, 1950.—cont. 14 Geo. 6. c. 26.	<p>In section twenty-seven, in subsection (1), after the words “adoption society” there shall be inserted the words “or local authority”; and in paragraph (a) the words “resident in Great Britain” and the words from “whether” to “otherwise”, and paragraph (b), shall be omitted; and in subsection (5), for the word “fifty” there shall be substituted the words “one hundred” and after the words “adoption society” there shall be added the words “or local authority”.</p> <p>In section forty-five, in subsection (2), the words “not being a parent or guardian of the infant” shall be omitted.</p> <p>In the Third Schedule, in sub-paragraph (a) of paragraph 1, for the words “transfer of the care and possession of infants to persons resident abroad” there shall be substituted the words “sending or taking of infants abroad”.</p>

THIRD SCHEDULE

Section 40.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of repeal.
8 Edw. 7. c. 67 16 & 17 Geo. 5. c. 29.	The Children Act, 1908 The Adoption of Children Act, 1926.	The whole Act. Section ten.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	Section ten.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Sections two hundred and six to two hundred and twenty.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Part XIII.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Part I.
11 & 12 Geo. 6. c. 43.	The Children Act, 1948	Part V. In section forty-two, subsection (2). In section fifty-five, in subsection (1), the words from “or the provisions” to the end of the subsection. In the Second Schedule, paragraph 10.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of repeal
11 & 12 Geo. 6. c. 43.		In the Third Schedule, the entries relating to the Public Health Act, 1936, and to the Public Health (London) Act, 1936, and the first three entries relating to the Children and Young Persons (Scotland) Act, 1937.
11 & 12 Geo. 6. c. 53.	The Nurseries and Child-Minders Regulation Act, 1948.	In section nine, in subsection (2), the words "of those children or any other".
12, 13 & 14 Geo. 6. c. 98.	The Adoption of Children Act, 1949.	In section thirteen, in subsection (2), the words from "section two hundred and twenty" to "The Public Health (London) Act, 1936" and the words from "and for the definition" to the end of the subsection.
14 Geo. 6. c. 26	The Adoption Act, 1950.	<p>In section two, subsection (1), and in subsection (4), the words "or body" and the words from "or who is liable" to "maintenance of the infant".</p> <p>In section three, in subsection (1), paragraph (b).</p> <p>In section eight, in subsection (4), the words "or body".</p> <p>In section twelve, in subsection (2), the words "but shall cease to have effect if she subsequently marries".</p> <p>In section fourteen, subsection (2) except so far as it relates to a will or codicil confirmed by codicil executed before the commencement of this Act.</p> <p>In section eighteen, in subsection (2), paragraph (b); and in subsection (5) the words from "both in regard" to the end of the subsection.</p> <p>In section twenty, in subsection (6), the words from "both in regard" to the end of the subsection.</p> <p>In section twenty-one, subsection (2).</p> <p>In section twenty-seven, in subsection (1), in paragraph (a), the words "resident in Great Britain" and the words from "whether" to "otherwise"; paragraph (b); and subsections (2) to (4).</p> <p>Sections twenty-eight to thirty-seven, thirty-nine and forty.</p>

Session and Chapter	Short title	Extent of Repeal
14 Geo. 6.c. 26	The Adoption Act, 1950— <i>cont.</i>	<p>In section forty-three, in subsection (1), the words "in connection with their functions under any enactment relating to children".</p> <p>In section forty-five, in subsection (1), the definitions of "abroad", "child protection visitor", "custodian" and "welfare authority"; and in subsection (2) the words "not being a parent or guardian of the infant".</p> <p>In the Fifth Schedule, paragraphs 3, 8, 9 and 10.</p>

3RD SCH.
—*cont.*



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sunday Observance Act, 1677	29 Car. 2. c. 7.
Life Assurance Act, 1774	14 Geo. 3. c. 48.
Parochial Registers Act, 1812	52 Geo. 3. c. 146.
Married Women's Policies of Assurance (Scotland) Act, 1880	43 & 44 Vict. c. 26.
Married Women's Property Act, 1882	45 & 46 Vict. c. 75.
Children Act, 1908	8 Edw. 7. c. 67.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Adoption of Children Act, 1926	16 & 17 Geo. 5. c. 29.
Adoption of Children (Scotland) Act, 1930	20 & 21 Geo. 5. c. 37.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934	24 & 25 Geo. 5. c. 19.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Nursing Homes Registration (Scotland) Act, 1938	1 & 2 Geo. 6. c. 73.
Family Allowances Act, 1945	8 & 9 Geo. 6. c. 41.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Nurseries and Child-Minders Regulation Act, 1948	11 & 12 Geo. 6. c. 53.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Adoption Act, 1950	14 Geo. 6. c. 26.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Births and Deaths Registration Act, 1953	1 & 2 Eliz. 2. c. 20.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s: 9d. net

PRINTED IN GREAT BRITAIN

(38263)

