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Adoption Act, 1958

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Adoption Act, 1958

7 ELIZ. 2 CH. 5

ARRANGEMENT OF SECTIONS

PART I

ADOPTION ORDERS

Making of adoption orders

Section

1. Power to make adoption orders.
2. Age and sex of applicant.
3. Care and possession of infants before adoption, and notification of local authority.
4. Consents.
5. Power to dispense with consent.
6. Evidence of consent of parent or guardian.
7. Functions of court as to adoption orders.
8. Interim orders.
9. Jurisdiction and procedure in England.
10. Appeals from magistrates' courts in England.
11. Jurisdiction and procedure in Scotland.
12. Modification of foregoing provisions in the case of applicants not ordinarily resident in Great Britain.

Effects of adoption orders

13. Rights and duties of parents and capacity to marry.
14. Friendly societies, insurance, etc.
15. Affiliation orders, etc.
16. English intestacies, wills and settlements.
17. Provisions supplementary to s. 16.
18. Scottish intestacies, etc.
19. Citizenship.

Registration

20. Adopted Children Register (England).
21. Registration of English adoptions.
22. Adopted Children Register (Scotland).
23. Registration of Scottish adoptions.
24. Amendment of orders and rectification of Registers.
25. Registration and certificates of baptism.

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Legitimation following adoption

Section

- 26. Legitimation: revocation of adoption orders and cancellations in Registers.
- 27. Legitimation: marking of entries on re-registration of births.

PART II

LOCAL AUTHORITIES AND ADOPTION SOCIETIES

- 28. Local authorities.
- 29. Restriction on making arrangements for adoption.
- 30. Registration of adoption societies.
- 31. Procedure and right of appeal.
- 32. Adoption societies regulations, etc.
- 33. Inspection of books, etc., of registered adoption societies.

PART III

CARE AND POSSESSION OF INFANTS AWAITING ADOPTION

- 34. Restriction on removal by parent or guardian after giving consent.
- 35. Return of infants placed by adoption societies and local authorities.
- 36. Further provisions as to adoption of children in care of local authorities.

PART IV

SUPERVISION OF CHILDREN AWAITING ADOPTION OR
PLACED WITH STRANGERS

- 37. Meaning of protected child.
- 38. Duty of local authority to secure well-being of protected children.
- 39. Power to inspect premises.
- 40. Notices and information to be given to local authorities.
- 41. Power of local authority to prohibit placing of child.
- 42. Appeal to juvenile court against prohibition under section 41.
- 43. Removal of protected children from unsuitable surroundings.
- 44. Offences under Part IV.
- 45. Extension of power to issue warrants to search for and remove a child.
- 46. Avoidance of insurances on lives of protected children.
- 47. Sittings of juvenile courts in proceedings under Part IV.
- 48. Appeal to quarter sessions.
- 49. Authentication of documents.

PART V

MISCELLANEOUS AND GENERAL

Section

50. Prohibition of certain payments.
51. Restriction upon advertisements.
52. Restriction on removal of infants for adoption outside British Islands.
53. Provisional adoption by persons domiciled outside Great Britain.
54. Offences.
55. Service of notices, etc.
56. Rules and regulations.
57. Interpretation.
58. Amendment and adaptation of enactments.
59. Transitional provisions and repeals.
60. Short title, extent and commencement.

SCHEDULES:

First Schedule—Form of entry in Adopted Children Register in England.

Second Schedule—Form of entry in Adopted Children Register in Scotland.

Third Schedule—Purposes for which adoption societies regulations may be made.

Fourth Schedule—Consequential amendments of enactments.

Fifth Schedule—Transitional provisions.

Sixth Schedule—Enactments repealed.



CHAPTER 5

An Act to consolidate the enactments relating to the adoption of children.

[18th December, 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

ADOPTION ORDERS

Making of adoption orders

1.—(1) Subject to the provisions of this Act, the court may, upon an application made in the prescribed manner by a person domiciled in England or Scotland, make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant. Power to make adoption orders.

(2) An adoption order may be made on the application of two spouses authorising them jointly to adopt an infant; but an adoption order shall not in any other case be made authorising more than one person to adopt an infant.

(3) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(4) An adoption order may be made in respect of an infant who has already been the subject of an adoption order under this Act or the Adoption Act, 1950, or any enactment repealed by that Act; and in relation to an application for an adoption order in respect of such an infant, the adopter or adopters under the previous or last previous adoption order shall be deemed

PART I
—cont.

to be the parent or parents of the infant for all the purposes of this Act.

(5) An adoption order shall not be made in England unless the applicant and the infant reside in England and shall not be made in Scotland unless the applicant and the infant reside in Scotland, subject however to section twelve of this Act.

Age and sex
of applicant.

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

- (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) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

Care and
possession of
infants before
adoption, and
notification
of local
authority.

3.—(1) An adoption order shall not be made in respect of any infant unless he has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order, not counting any time before the date which appears to the court to be the date on which the infant attained the age of six weeks.

(2) Except where the applicant or one of the applicants is a parent of the infant, an adoption order shall not be made in respect of an infant who at the hearing of the application is below the upper limit of the compulsory school age unless the applicant has, at least three months before the date of the order, given notice in writing to the local authority within whose area he was then resident of his intention to apply for an adoption order in respect of the infant.

Consents.

4.—(1) Subject to section five of this Act, an adoption order shall not be made—

- (a) in any case, except with the consent of every person who is a parent or guardian of the infant ;

- (b) on the application of one of two spouses, except with the consent of the other spouse ;

and shall not be made in Scotland in respect of an infant who is a minor except with the consent of the infant.

(2) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the infant) may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is proposed to be brought up) without knowing the identity of the applicant for the order.

(3) The reference in paragraph (a) of subsection (1) of this section 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).

5.—(1) The court may dispense with any consent required by paragraph (a) of subsection (1) of section four of this Act if it is satisfied that the person whose consent is to be dispensed with—

Power to
dispense with
consent.

- (a) has abandoned, neglected or persistently ill-treated the infant ; or
- (b) cannot be found or is incapable of giving his consent or is withholding his consent unreasonably.

(2) If the court is satisfied that any person whose consent is required by the said paragraph (a) has persistently failed without reasonable cause to discharge the obligations of a parent or guardian of the infant, the court may dispense with his consent whether or not it is satisfied of the matters mentioned in subsection (1) of this section.

PART I
—cont.

(3) Where a person who has given his consent to the making of an adoption order without knowing the identity of the applicant therefor subsequently withdraws his consent on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(4) The court may dispense with the consent of the spouse of an applicant for an adoption order if it is satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving his consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

Evidence of
consent of
parent or
guardian.

6.—(1) Where a parent or guardian of an infant does not attend in the proceedings on an application for an adoption order for the purpose of giving his consent to the making of the order, then, subject to subsection (2) of this section, a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings; and where any such document is attested as mentioned in subsection (3) of this section, it shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed.

(2) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—

- (a) the infant is at least six weeks old on the date of the execution of the document; and
- (b) the document is attested on that date as mentioned in subsection (3) of this section.

(3) Any reference in this section to a document being attested as mentioned in this subsection is, if the document is executed in the United Kingdom, a reference to its being attested by either a justice of the peace or—

- (a) if it is executed in England, an officer of a county court appointed for the purposes of section eighty-four of the County Courts Act, 1934, or a justices' clerk within the meaning of section twenty-one of the Justices of the Peace Act, 1949;
- (b) if it is executed in Scotland, the sheriff;

and, if it is executed outside the United Kingdom, a reference to its being attested by a person of any such class as may be prescribed.

(4) For the purposes of this section a document purporting to be attested as mentioned in subsection (3) of this section shall be deemed to be so attested, and to be executed and attested on the date and at the place specified in the document, unless the contrary is proved.

PART I
—cont.

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

7.—(1) The court before making an adoption order shall be satisfied—

Functions of
court as to
adoption
orders.

- (a) that every person whose consent is necessary under this Act, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights ;
- (b) that the order if made will be for the welfare of the infant ; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

(2) In determining 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, and shall give due consideration to the wishes of the infant, having regard to his age and understanding.

(3) The court in an adoption order may impose such terms and conditions as the court may think fit, and in particular may require the adopter by bond or otherwise to make for the infant such provision (if any) as in the opinion of the court is just and expedient.

8.—(1) Subject to the provisions of this section, the court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

Interim
orders.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

PART I
—cont.

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of section three of this Act.

(4) Where an interim order has been made 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 varied under this subsection shall not exceed two years.

(5) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

Jurisdiction
and procedure
in England.

9.—(1) An application for an adoption order may be made in England to the High Court or, at the option of the applicant but subject to Adoption Rules, to any county court or magistrates' court within the jurisdiction of which the applicant or the infant resides at the date of the application.

(2) In this Act "Adoption Rules" means rules made under subsection (3) of this section or made by virtue of this section under section fifteen of the Justices of the Peace Act, 1949.

(3) Rules in regard to any matter to be prescribed under this Part of this Act and dealing generally with all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect shall be made in England by the Lord Chancellor.

(4) Subsection (3) of this section does not apply in relation to proceedings before magistrates' courts, but the power to make rules conferred by section fifteen of the Justices of the Peace Act, 1949, shall include power to make provision as to any of the matters mentioned in that subsection.

(5) Adoption Rules may provide for applications for adoption orders being heard and determined otherwise than in open court and, where the application is made to a magistrates' court, for the hearing and determination of the application in a juvenile court, and may make provision for excluding or restricting the jurisdiction of any court where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(6) Adoption Rules made as respects magistrates' courts may provide for enabling any fact tending to establish the identity of an infant with an infant to whom a 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.

(7) For the purpose of any application in England for an adoption order, the court shall, subject to Adoption Rules, appoint some person to act as guardian ad litem of the infant

upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

PART I
—cont.

(8) Where the person so appointed is an officer of a local authority the court may authorise the authority to incur any necessary expenditure; but nothing in this section shall be deemed to authorise the court to appoint an officer of a local authority to act as guardian ad litem except with the consent of that authority.

10.—(1) Where, on an application made in England to a magistrates' court, the court makes or refuses to make an adoption order, an appeal shall lie to the High Court.

Appeals from
magistrates'
courts in
England.

(2) 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 this section.

11.—(1) An application for an adoption order may be made in Scotland to the Court of Session or to the sheriff court or juvenile court within whose jurisdiction the applicant or the infant resides at the date of the application.

Jurisdiction
and procedure
in Scotland.

(2) In Scotland, provision shall be made by act of sederunt with regard to any matter to be prescribed under this Part of this Act, and generally with regard to all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect.

(3) Any such act of sederunt may provide for applications for adoption orders to be heard and determined otherwise than in open court and may make provision for excluding or restricting the jurisdiction of any court where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(4) For the purposes of any application in Scotland for an adoption order, the court shall, subject to any act of sederunt under this section, appoint some person to act as curator ad litem of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

(5) Where the person so appointed is an officer or servant of a local authority and appointed as such, the court may authorise the authority to incur any necessary expenditure; but nothing in this section shall be deemed to authorise the court to appoint an officer or servant of a local authority to act as curator ad litem of an infant except with the consent of that authority.

PART I
—cont.

Modification of foregoing provisions in the case of applicants not ordinarily resident in Great Britain.

12.—(1) An adoption order may, notwithstanding anything in this Act, be made on the application of a person who is not ordinarily resident in Great Britain; and in relation to such an application—

- (a) subsection (5) of section one of this Act does not apply; and
- (b) subsection (2) of section three of this Act applies with the substitution of the word “living” for the word “resident”.

(2) Subsection (1) of section nine and subsection (1) of section eleven of this Act do not apply in relation to an application for an adoption order by a person not ordinarily resident in Great Britain, but such an 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 court.

(3) Where an application for an adoption order is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Great Britain, the notice required by subsection (2) of section three of this Act (as modified by subsection (1) of this section) may be given by either of the applicants; and the provisions of subsection (1) of that section shall be deemed to be complied with if they are complied with in the case of one of the applicants and the applicants have been living together in Great Britain for at least one of the three months mentioned in that subsection.

(4) This section does not affect the construction of subsection (1) of the said section three in its application to any joint application to which subsection (3) of this section does not apply.

Effects of adoption orders

Rights and duties of parents and capacity to marry.

13.—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or guardians of the infant in relation to the future custody, maintenance and education of the infant, including all rights to appoint a guardian and (in England) to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid (and, in Scotland, in respect of the liability of a child to maintain his parents) the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother

of the infant and the infant shall stand to them in the same relation as to a lawful father and mother.

PART I
—cont.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(4) The references in subsection (3) of this section to an adoption order include references to 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.

14.—(1) For the purposes of the enactments for the time being in force relating to friendly societies, collecting societies or industrial insurance companies, an adopter shall be deemed to be the parent of the infant whom he is authorised to adopt under an adoption order. Friendly societies, insurance, etc.

(2) Where, before the making of an adoption order in respect of an infant, the natural parent of the infant has effected an insurance with any such society or company for the payment, on the death of the infant, of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter and the adopter shall, for the purposes of the said enactments, be treated as the person who took out the policy.

(3) 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.

15.—(1) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the adopter is his mother and the mother is a single woman, any affiliation order or decree of affiliation and aliment in force with respect to the infant, and any agreement whereby the father of the infant has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order, decree or agreement at the date of the adoption order. Affiliation orders, etc.

(2) 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.

PART I
—cont.

(3) Where an adoption order is made in respect of an infant committed to the care of a fit person by an order in force under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, the last mentioned order shall cease to have effect.

(4) Where an adoption order is made in respect of an infant in respect of whom a resolution is in force under section two of the Children Act, 1948 (which provides for the assumption by local authorities of parental rights in certain circumstances) the resolution shall cease to have effect.

(5) The references in this section to an adoption order include references to 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.

English
intestacies,
wills and
settlements.

16.—(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than property subject to an entailed interest under a disposition to which subsection (2) of this section does not apply), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(2) In any disposition of real or personal property made, whether by instrument inter vivos or by will (including codicil) after the date of an adoption order—

(a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person ;

(b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person ; and

(c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) Where under any disposition any real or personal property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly

as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity, but the property or interest shall devolve in all respects as if this section had not been enacted.

PART I
—cont.

(4) The references in this section to an adoption order include references to 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.

17.—(1) For the purposes of the application of the Administration of Estates Act, 1925, to the devolution of any property in accordance with the provisions of the last foregoing section, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

Provisions
supplementary
to s. 16.

- (a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;
- (b) in any other case, as brother or sister of the half-blood.

(2) For the purposes of subsection (2) of the last foregoing section, a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Notwithstanding anything in the last foregoing section, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of the last foregoing section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order, and in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.

PART I
—cont.Scottish
intestacies,
etc.

(5) The references in this section to an adoption order shall be construed in accordance with subsection (4) of the last foregoing section.

18.—(1) Sections sixteen and seventeen of this Act shall not affect the law of Scotland relating to the distribution of the moveable estate of a person dying domiciled in Scotland, the devolution of heritable property situated in Scotland or the disposal of any property by instrument *inter vivos*.

(2) An adoption order shall not deprive the adopted person of any legal rights competent to him in the estate of his parents or of any right to or interest in property to which, but for the order, he would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, or confer on him any right to or interest in property as a child of the adopter; and the expressions “child”, “children” and “issue”, where used in relation to any person in any disposition, shall not, unless the contrary intention appears, include a person or persons adopted by that person, or the issue of a person so adopted.

(3) In this section the expression “disposition” means a deed, instrument or writing whether *inter vivos* or *mortis causa* whereby property is conveyed or under which a succession arises.

(4) This section extends to Scotland only, and references therein to an adoption order and to an adopter and an adopted person shall be construed as references to an adoption order made in Scotland and to an adopter and a person adopted in pursuance of such an order.

Citizenship.

19.—(1) Where an adoption order is made in respect of an infant who is not a citizen of the United Kingdom and Colonies, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of the United Kingdom and Colonies, the infant shall be a citizen of the United Kingdom and Colonies as from the date of the order.

(2) The references in this section to an adoption order include references to an order authorising an adoption under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

*Registration*Adopted
Children
Register
(England).

20.—(1) The Registrar General shall maintain at the General Register Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) In England, a certified copy of an entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall, without any further

or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country or the district and sub-district of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or district and sub-district in all respects as if the copy were a certified copy of an entry in the Registers of Births.

(3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in the General Register Office; and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Act, 1953, and the Registration Service Act, 1953, in respect of searches in other indexes kept in the General Register Office and in respect of the supply from that office of certified copies of entries in the certified copies of the Registers of Births and Deaths.

(4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Registers of Births which has been marked "Adopted" pursuant to the next following section or any enactment at the time in force, and any corresponding entry in the Adopted Children Register.

(5) The registers and books kept under subsection (4) of this section shall not be, nor shall any index thereof be, open to public inspection or search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from any such registers or books except under an order of any of the following courts, 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.

(6) In relation to an adoption order made by a magistrates' court, the reference in paragraph (c) of subsection (5) of this section to the court by which the order was made includes a reference to a court acting for the same petty sessions area.

21.—(1) Every adoption order made by a court in England shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set

Registration
of English
adoptions.

PART I
—cont.

out in the First Schedule to this Act, and (subject to the next following subsection) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

(2) For the purposes of compliance with the requirements of the last foregoing subsection,—

(a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth ;

(b) where the country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in England, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register ;

and the names to be specified in the order as the name and surname of the infant shall be 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) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the First Schedule to this 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 took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of paragraph (b) of subsection (2) 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.

(4) Where upon any application to a court in England for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by a court in England under this Act or any enactment at the time in force) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word " Adopted ".

(5) Where an adoption order is made by a court in England in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or any enactment at the time in force, the order shall contain a direction

to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".

PART I
—cont.

(6) Where an adoption order is made by a court in England, the prescribed officer of the court shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

22.—(1) The Registrar General for Scotland shall maintain at the General Registry Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries. Adopted Children Register (Scotland).

(2) In Scotland, an extract of any entry in the Adopted Children Register maintained under this section, if purporting to be sealed or stamped with the seal of the General Registry Office, shall, without any further or other proof of the entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the extract were an extract of an entry in the Register of Births.

(3) The Registrar General for Scotland shall cause an index of the Adopted Children Register maintained under this section to be made and kept in the General Registry Office; and every person shall be entitled to search that index and to have an extract of any entry in the said register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, in respect of searches in other indexes kept in the General Registry Office and in respect of the supply from that office of extracts of entries in the Registers of Births, Deaths and Marriages.

(4) The Registrar General for Scotland shall, in addition to the Adopted Children Register and the index thereto, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked "Adopted" pursuant to the next following section or any enactment at the time in force, and any corresponding entry in the Adopted Children Register maintained under this section; but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search, nor, except under an order of the Court of Session or a sheriff, shall the Registrar General furnish any information

PART I
—cont.

contained in or any copy or extract from any such registers or books to any person other than an adopted person who has attained the age of seventeen years and to whom that information, copy or extract relates.

(5) Regulations made under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, may make provision as to the duties to be performed by Registrars of Births, Deaths and Marriages in the execution of this and the next following section.

(6) The provisions of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, with regard to the registration of names given in baptism or without baptism after registration of birth and with regard to the alteration of erroneous entries shall apply to the Adopted Children Register maintained by the Registrar General for Scotland and to registration therein in like manner as they apply to any register of births and to registration therein.

Registration
of Scottish
adoptions.

23.—(1) Every adoption order made by a court in Scotland shall contain a direction to the Registrar General for Scotland to make in the Adopted Children Register maintained by him an entry recording the adoption in the form set out in the Second Schedule to this Act.

(2) For the purposes of compliance with the requirements of the foregoing subsection,—

(a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth ;

(b) where the country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Scotland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register ;

and the names to be specified in the order as the name and surname of the infant shall be 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) There shall be produced with every application to a court in Scotland for an adoption order in respect of an infant whose birth has been registered under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, an extract of the entry of the birth.

(4) Where upon any application to a court in Scotland for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General for Scotland to cause the entry in that register to be marked with the word "Adopted".

(5) Where an adoption order is made by a court in Scotland in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or any enactment at the time in force, the order shall contain a direction to the Registrar General for Scotland to cause the previous entry in the Adopted Children Register maintained by him to be marked with the word "Re-adopted".

(6) Where an adoption order is made by a court in Scotland, the clerk of the court shall cause the order to be communicated to the Registrar General for Scotland, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

24.—(1) The court by which an adoption order has been made may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein, and may—

Amendment
of orders and
rectification
of Registers.

(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 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 (4) or subsection (5) of section twenty-one or subsection (4) or subsection (5) of section twenty-three of this Act was wrongly so included, revoke that direction.

(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

PART I
—cont.

cause the amendment to be communicated in the prescribed manner to the Registrar General or, as the case may be, the Registrar General for Scotland, 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.

(3) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court shall give directions to the Registrar General or the Registrar General for Scotland to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register, the Registers of Births or the Register of Births, as the case may be, which was effected in pursuance of the order.

(4) Where the Registrar General is notified by the Registrar General for Scotland that an adoption order has been made by a court in Scotland in respect of an infant to whom an entry in the Registers of Births or the Adopted Children Register relates, the Registrar General shall cause the entry to be marked "Adopted (Scotland)" or, as the case may be, "Re-adopted (Scotland)"; and where, after an entry has been so marked, the Registrar General is notified as aforesaid that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

(5) Where the Registrar General for Scotland is notified by the Registrar General that an adoption order has been made by a court in England in respect of an infant to whom an entry in the Register of Births or the Adopted Children Register maintained by the Registrar General for Scotland relates, the Registrar General for Scotland shall cause the entry to be marked "Adopted (England)" or, as the case may be, "Re-adopted (England)"; and where, after an entry has been so marked, the Registrar General for Scotland is notified as aforesaid that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

(6) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section twenty of this Act shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(7) In relation to an adoption order made by a magistrates' court, the reference in subsection (1) of this section to the court by which the order has been made includes a reference to a court acting for the same petty sessions area.

PART I
—cont.

25. 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, instead of as the son or daughter of the natural parents.

Registration
and certificates
of baptism.

Legitimation following adoption

26.—(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, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

Legitimation:
revocation
of adoption
orders and
cancellations
in Registers.

(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 General or, as the case may be, the Registrar General for Scotland, 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 a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) In relation to an adoption order made by a magistrates' court, the reference in subsection (1) of this section to the court by which the order was made includes a reference to a court acting for the same petty sessions area.

27. Without prejudice to the provisions of section twenty-six of this Act, where, after an entry in the Registers of Births or the Register of Births has been marked 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

Legitimation:
marking of
entries on
re-registration
of births.

PART I
—cont.

the re-registration of the birth of legitimated persons), the entry made on the re-registration shall be marked in the like manner.

PART II

LOCAL AUTHORITIES AND ADOPTION SOCIETIES

Local
authorities.

28.—(1) The local authorities for the purposes of this Act are, in England, the councils of counties and county boroughs and, in Scotland, the councils of counties and large burghs within the meaning of the Local Government (Scotland) Act, 1947; and for the purposes of this Act any small burgh within the meaning of that Act shall be included in the county in which it is situated.

(2) Every such local authority have power to make and participate in arrangements for the adoption of children.

Restriction
on making
arrangements
for adoption.

29.—(1) It shall not be lawful for any body of persons to make any arrangements for the adoption of an infant unless that body is a registered adoption society or a local authority.

(2) It shall not be lawful for a registered adoption society or local authority by whom arrangements are made for the adoption of an infant to place him in the care and possession of a person who proposes to adopt him if an adoption order in respect of the infant could not lawfully be made in favour of that person.

(3) Every person who—

(a) takes any part in the management or control of a body of persons which exists wholly or in part for the purpose of making arrangements for the adoption of infants and which is not a registered adoption society or a local authority; or

(b) is guilty of a contravention of subsection (1) or subsection (2) of this section;

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.

(4) In any proceedings for an offence under paragraph (a) of subsection (3) of this section, proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of infants on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

(5) The court by which a person is convicted of a contravention of subsection (2) of this section may order the infant in respect of whom the offence was committed to be returned to his parent or guardian or to the registered adoption society or local authority.

30.—(1) Subject to the following provisions of this Part of this Act, where an application is made in the prescribed manner by or on behalf of an adoption society to the local authority in whose area the administrative centre of the society is situated and there is furnished therewith the prescribed information relating to the activities of the society, the local authority shall, on payment by the society of such fee (not exceeding one pound) as may be prescribed, register the society under this Part of this Act.

PART II
—cont.

Registration
of adoption
societies.

(2) Any question where the administrative centre of an adoption society is situated shall be determined by the Secretary of State, whose determination shall be final.

(3) A local authority shall not register an adoption society under this Part of this Act unless the authority are satisfied, by such evidence as the authority may reasonably require, that the society are a charitable association.

(4) A local authority may refuse to register an adoption society under this Part of this Act, if it appears to the authority—

- (a) that the activities of the society are not controlled by a committee of members of the society who are responsible to the members of the society ;
- (b) that any person proposed to be employed, or employed, by the society for the purpose of making any arrangements for the adoption of children on behalf of the society is not a fit and proper person to be so employed ;
- (c) that the number of competent persons proposed to be employed, or employed, by the society for the purpose aforesaid is, in the opinion of the authority, insufficient having regard to the extent of the activities of the society in connection with that purpose ; or
- (d) that any person taking part in the management or control of the society or any member of the society has been convicted of an offence under this Part of this Act, Part II of the Adoption Act, 1950, or the Adoption of Children (Regulation) Act, 1939, or of a breach of any regulations made under this Part of this Act, the said Part II, or the said Act of 1939.

(5) A local authority may at any time cancel the registration of an adoption society on any ground which would entitle the authority to refuse an application for the registration of the society, or on the ground that the society are no longer a charitable association, or on the ground that the administrative centre of the society is no longer situated in the area of the authority.

PART II
—cont.
Procedure
and right
of appeal.

31.—(1) Where a local authority propose to refuse an application for registration made to them by or on behalf of an adoption society or to cancel the registration of an adoption society, the local authority shall give to the society not less than fourteen days' notice in writing of their intention to do so.

(2) Every such notice shall state the grounds on which the authority intend to refuse the application or to cancel the registration, as the case may be, and shall contain an intimation that, if within fourteen days after the receipt of the notice the society inform the authority in writing that they desire to do so, the authority will, before refusing the application or cancelling the registration, as the case may be, give to the society an opportunity of causing representations to be made to the authority by or on behalf of the society.

(3) If the local authority, after giving to the society an opportunity of causing such representations as aforesaid to be made, decide to refuse the application for registration or to cancel the registration, as the case may be, they shall give to the society notice in writing of their decision.

(4) Any adoption society aggrieved by the refusal of an application for registration, or by the cancellation of their registration, by a local authority may—

- (a) in England, appeal to quarter sessions by a notice of appeal given within twenty-one days after notice in writing of the decision has been given to the society;
- (b) in Scotland, appeal to the sheriff within whose jurisdiction the administrative centre of the society is situated within the said twenty-one days.

(5) Section thirty-one of the Summary Jurisdiction Act, 1879, and section eighty-four of the Magistrates' Courts Act, 1952 (which relate to appeals from magistrates' courts to courts of quarter sessions) shall, with the necessary modifications, apply in relation to an appeal in England under this section as if the decision of the local authority were an order of a magistrates' court.

(6) Where the registration of an adoption society is cancelled by a local authority, the adoption society shall, for the purposes of this Part of this Act, be deemed to be registered under this Part of this Act during the period within which an appeal against the cancellation may be brought under this section and, if such an appeal is brought, until the determination or abandonment of the appeal.

Adoption
societies
regulations, etc.

32.—(1) The Secretary of State may make regulations for any of the purposes set out in the Third Schedule to this Act and for prescribing anything which by this Part of this Act (including that Schedule) is authorised or required to be prescribed.

(2) Any person who contravenes or fails to comply with the provisions of regulations made under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(3) The Secretary of State may make regulations with respect to the exercise by local authorities of their functions of making or participating in arrangements for the adoption of children, and such regulations may make provision, in relation to local authorities who exercise those functions, for purposes corresponding with the purposes for which the Secretary of State has power under subsection (1) of this section to make regulations in relation to registered adoption societies.

33.—(1) A local authority may at any time give notice in writing to any registered adoption society which has been registered by the authority under this Part of this Act, or to any officer of such a society, requiring that society or officer to produce to the authority such books, accounts and other documents relating to the performance by the society of the function of making arrangements for the adoption of infants as the authority may consider necessary for the exercise of the powers conferred on the authority by subsection (5) of section thirty of this Act.

Inspection of books, etc., of registered adoption societies.

(2) Any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by statutory declaration.

(3) Any person who fails to comply with the requirements of a notice under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both.

PART III

CARE AND POSSESSION OF INFANTS AWAITING ADOPTION

34. While an application for an adoption order in respect of an infant is pending in any court, a parent or guardian of the infant who has signified his consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the court, to remove the infant from the care and possession of the applicant, and in considering whether to grant or refuse such leave the court shall have regard to the welfare of the infant.

Restriction on removal by parent or guardian after giving consent.

PART III
—cont.

Return of
infants
placed by
adoption
societies and
local
authorities.

35.—(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—

(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 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 eight of this Act (whether as originally made or as varied under subsection (4) of that section) 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) Any person who contravenes the provisions of this section 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 by which the offender is convicted may order the infant in respect of whom the offence is committed to be returned to his parent or guardian or to the registered adoption society or local authority.

36.—(1) Where notice of intention to apply for an adoption order is given in pursuance of subsection (2) of section three of this 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 mentioned in subsection (1) of section thirty-five of this Act, the said section thirty-five 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.

PART III
—cont.
Further provisions as to adoption of children in care of local authorities.

(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-five 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.

PART IV

SUPERVISION OF CHILDREN AWAITING ADOPTION OR PLACED
WITH STRANGERS

Meaning of
protected
child.

37.—(1) Subject to the following provisions of this section, 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 subsection (2) of section three of this Act,

then, while the child is in the care and possession of the person first mentioned in paragraph (a) of this subsection or, as the case may be, of the person giving the notice mentioned in paragraph (b) thereof, but is not a foster child within the meaning of Part I of the Children Act, 1958, he is a protected child within the meaning of this Part of this Act.

(2) A child is not a protected child by reason of any such arrangements as are mentioned in paragraph (a) of subsection (1) of this section 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 subsection, 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 the Children Act, 1958, 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 paragraph (b) of subsection (1) of this section 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 the Children Act, 1958.

(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.

(5) 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 Part of this Act to be in the care and possession of that one of them.

PART IV
—cont.

38. 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.

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

39. 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.

Power to inspect premises.

40.—(1) Subject to subsection (2) of this section, 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.

Notices and information to be given to local authorities.

(2) A notice under subsection (1) of this section 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.

(3) A notice under subsection (1) of this section shall be given not less than two weeks before the child is placed as mentioned in that subsection, 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.

(4) 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 subsection (6) of this section as are known to them.

(5) 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.

PART IV
—cont.

(6) 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.

41. 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 the last foregoing section 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
section 41.

42.—(1) A person aggrieved by a prohibition imposed under the last foregoing section 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 that section 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 section 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.

43.—(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 section forty-one 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 protected children.

(2) An order under this section 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.

PART IV
—cont.

(3) 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 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 section 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 section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

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

Offences
under Part IV.

- (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 ;
- (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 section thirty-nine of this Act, of any premises ;
- (c) he keeps any child in any premises in contravention of a prohibition imposed under this Part of this Act ;
- (d) 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.

45. 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

Extension of
power to issue
warrants to
search for
and remove
a child.

PART IV
—cont.

visiting of a protected 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.

Avoidance of insurances on lives of protected children.

46. A person who maintains a protected child shall be deemed for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child.

Sittings of juvenile courts in proceedings under Part IV.

47. 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.

Appeal to quarter sessions.

48. 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.

Authentication of documents.

49.—(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.

(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.

PART V

MISCELLANEOUS AND GENERAL

Prohibition of certain payments.

50.—(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.

51.—(1) It shall not be lawful for any advertisement to be published indicating— Restriction upon advertisements.

- (a) that the parent or guardian of an infant desires to cause the infant to be adopted; or
- (b) that a person desires to adopt an infant; or
- (c) that any person (not being a registered adoption society or a local authority) is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

52.—(1) Except under the authority of an order under section fifty-three of this Act, 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.

PART V
—cont.

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

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

Provisional
adoption
by persons
domiciled
outside Great
Britain.

53.—(1) If the court is satisfied, upon an application being 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 section 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 court.

(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 this Act, but shall not be made in any other case.

(4) Subject to the provisions of this section, the provisions of this Act, other than this section and sections sixteen, seventeen and nineteen, 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 section three of this Act shall have effect as if for the word "three", both where it occurs in subsection (1) and where it occurs in subsection (2), there were substituted the word "six".

(6) Any entry in the Registers of Births, the Register of Births or the Adopted Children Register which is required to be marked 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.

PART V
—cont.

54.—(1) Where any offence under Part II, Part III, Part IV or Part V of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Proceedings for an offence under Part II, Part III, Part IV or Part V of this Act may, in England, be taken by a local authority.

55. Any notice or information required to be given under this Act may be given by post.

Service of
notices, etc.

56.—(1) Any power to make rules or regulations conferred by this Act on the Lord Chancellor or the Secretary of State or the Court of Session shall be exercisable by statutory instrument.

Rules and
Regulations.

(2) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt made for the purposes of this Act as if the act of sederunt had been made by a Minister of the Crown.

57.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

Interpretation.

"adoption order" has the meaning assigned to it by section one of this Act ;

"Adoption Rules" has the meaning assigned to it by subsection (2) of section nine of this Act ;

"adoption society" means a body of persons whose functions consist of or include the making of arrangements for the adoption of children ;

"body of persons" means any body of persons, whether incorporated or unincorporated ;

PART V
—cont.

“charitable association” means a body of persons which exists only for the purpose of promoting a charitable, benevolent or philanthropic object, whether or not the object is charitable within the meaning of any rule of law, and which applies the whole of its profits (if any) or other income in promoting the objects for which it exists;

“compulsory school age”, in relation to England, has the same meaning as in the Education Acts, 1944 to 1953 and, in relation to Scotland, means school age as defined in the Education (Scotland) Acts, 1939 to 1956.

“court” means a court having jurisdiction to make adoption orders;

“England” includes Wales;

“father”, in relation to an illegitimate infant, means the natural father;

“guardian”, in relation to an infant, means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts, 1886 and 1925, or by a court of competent jurisdiction to be the guardian of the infant;

“infant” means a person under twenty-one years of age, but does not include a person who is or has been married;

“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;

“prescribed”, in Part I of this Act, means prescribed by Adoption Rules or an act of sederunt under section eleven of this Act, and except in Part I of this Act, means prescribed by regulations made by the Secretary of State;

“registered adoption society” means an adoption society registered under Part II of this Act;

“Registrar General for Scotland” means the Registrar General of Births, Deaths and Marriages in Scotland;

“relative”, in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half blood or by affinity, and includes—

(a) where an adoption order has been made in respect of the infant or any other person under any enactment (including any enactment of the Parliament of Northern Ireland) any person who would

be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock ;

(b) where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father.

(2) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of an infant or to take part in arrangements for the placing of a child in the care or possession of another person, if (as the case may be)—

(a) he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise ; or

(b) he enters into or makes any agreement or arrangement for, or facilitates, the placing of the child in the care or possession of that other person ;

or 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.

(3) This Act applies to citizens of the Republic of Ireland as it applies to British subjects, and references in this Act to British subjects shall be construed accordingly.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

58.—(1) The amendments specified in the Fourth Schedule to this Act, being amendments consequential on the provisions of this Act, shall be made in the enactments mentioned in that Schedule (and shall, in so far as those enactments have been amended by the Second Schedule to the Children Act, 1958. have effect in substitution for the amendments so made).

Amendment
and adaptation
of enactments.

(2) Any reference in any enactment to an adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or to an adopter within the meaning of those Acts, shall be construed as including a reference to an infant adopted under this Act, or the Adoption Act, 1950, or to the person by whom an infant has been so adopted, as the case may be.

(3) Any reference in any enactment to an adoption order made under the Adoption Act, 1950, shall be construed as including a reference to an adoption order made under this Act.

PART V
—cont.
Transitional
provisions
and repeals.

59.—(1) This Act has effect subject to the transitional provisions set out in the Fifth Schedule to this Act.

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

(3) The mention of particular matters in the Fifth Schedule to this Act shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Short title,
extent and
commence-
ment.

60.—(1) This Act may be cited as the Adoption Act, 1958.

(2) This Act (except section nineteen, and so much of section fifty-eight as repeals section sixteen of the Adoption Act, 1950) does not extend to Northern Ireland.

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

SCHEDULES

FIRST SCHEDULE

Section 21.

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN ENGLAND

1	2	3	4	5	6	7	8
No. of entry	Date and country of birth of child	Name and surname of child	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of court by which made	Date of entry	Signature of officer deputed by Registrar General to attest the entry

SECOND SCHEDULE

Section 23.

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN SCOTLAND

1	2	3	4	5	6	7
No. of Entry	Name and surname of adopted child	Date and country of birth	Sex	Name and surname, occupation and address of adopter or adopters	Date of adoption order and description of court by which made	Date of registration and signature of Registrar General

Section 32.

THIRD SCHEDULE

PURPOSES FOR WHICH ADOPTION SOCIETIES REGULATIONS
MAY BE MADE

1. For regulating the conduct of negotiations entered into by or on behalf of registered adoption societies with persons who, having the care and possession of infants, are desirous of causing the infants to be adopted, and in particular for securing—

- (a) that, where the parent or guardian of an infant proposes to place the infant at the disposition of the society with a view to the infant being adopted, he shall be furnished with a memorandum in the prescribed form explaining, in ordinary language, the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect of the infant, and calling attention to the provisions of this Act and of any rules made thereunder relating to the consent of a parent or guardian to the making of such an order, and to the provisions of this Act relating to the sending or taking of infants abroad; and
- (b) that, before so placing the infant at the disposition of the society, the parent or guardian shall sign a document in the prescribed form certifying that he has read and understood the said memorandum.

2. For requiring that the case of every infant proposed to be delivered by or on behalf of a registered adoption society into the care and possession of a person proposing to adopt him shall be considered by a committee (to be called a "case committee") appointed by the society for the purpose and consisting of not less than three persons.

3. For prescribing, in the case of every such infant as aforesaid, the inquiries which must be made and the reports which must be obtained by the society in relation to the infant and the person proposing to adopt him for the purpose of ensuring, so far as may be, the suitability of the infant and the person proposing to adopt him respectively, and, in particular, for requiring that a report on the health of the infant signed by a fully registered medical practitioner must be obtained by the society.

4. For securing that no such infant shall be delivered into the care and possession of a person proposing to adopt him by or on behalf of the society until that person has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Great Britain in which the person proposing to adopt the infant intends that the infant should reside permanently, and until the committee have considered the prescribed reports.

5. For requiring a registered adoption society to furnish to the registration authority by whom the society was registered the prescribed accounts and the prescribed information relating to the activities of the society.

6. For making provision for the care and supervision of infants who have been placed by their parents or guardians at the disposition of adoption societies.

7. For prohibiting or restricting the disclosure of records kept by registered adoption societies and making provision for the safe keeping of such records when they are no longer required.

FOURTH SCHEDULE

Section 58.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Children Act, 1948

In subsection (1) of section thirty-nine, for paragraphs (b) and (c) there shall be substituted the following paragraphs:—

- “(b) Part I of the Children Act, 1958;
- (c) Parts II and IV of the Adoption Act, 1958;”

In subsection (1) of section forty-three, there shall be added, at the end, the words “except subsection (3) of section thirty-two of the Adoption Act, 1958”.

In subsection (1) of section forty-four, the word “I” and the words “and the Adoption of Children (Regulation) Act, 1939” shall be omitted, and after the word “1937” there shall be inserted the words “or any of the enactments specified in paragraphs (b) and (c) of subsection (1) of section thirty-nine of this Act, except subsection (3) of section thirty-two of the Adoption Act, 1958”.

In subsection (1) of section fifty-one, for the words from “the Public Health Act, 1936”, to the end of the subsection, there shall be substituted the words “Part I of the Children Act, 1958, or Part IV of the Adoption Act, 1958”.

In subsection (2) of section fifty-four, for paragraphs (c) to (e) there shall be substituted the following paragraph:—

- “(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 Part IV of the Adoption Act, 1958, is being maintained;”.

The Children Act, 1958

In section seventeen, in the definition of “relative”, for the words “the Adoption Act, 1950” there shall be substituted the words “the Adoption Act, 1958”.

FIFTH SCHEDULE

Section 59.

TRANSITIONAL PROVISIONS

1. Subsection (3) of section thirteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or the Adoption of Children Act (Northern Ireland), 1929, as it applies in relation to an adoption order within the meaning of that subsection, but not so as to invalidate any marriage solemnized before the first day of January, nineteen hundred and fifty.

2. Section fourteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, as it applies in relation to an adoption order within the meaning of this Act.

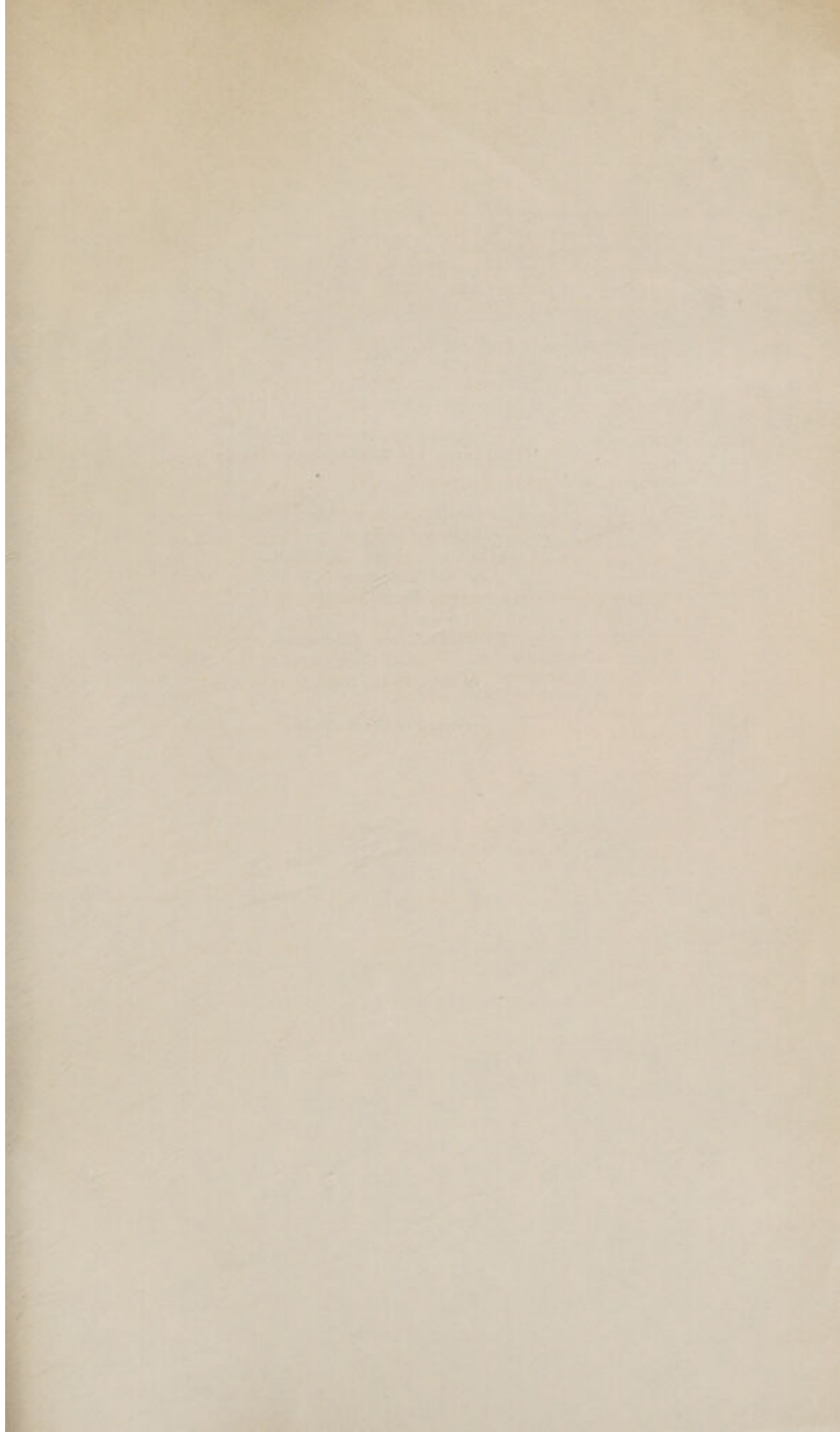
3. Subsection (2) of section fifteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, as it applies in relation to an adoption order within the meaning of this Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sunday Observance Act, 1677	29 Cha. 2. c. 7.
Life Assurance Act, 1774	14 Geo. 3. c. 48.
Parochial Registers Act, 1812	52 Geo. 3. c. 146.
Summary Jurisdiction Act, 1879	42 & 43 Vict. c. 49.
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.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
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.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act, 1934	24 & 25 Geo. 5. c. 19.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Adoption of Children (Regulation) Act, 1939	2 & 3 Geo. 6. c. 27.
Family Allowances Act, 1945	8 & 9 Geo. 6. c. 41.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
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.
Registration Service Act, 1953	1 & 2 Eliz. 2. c. 37.
Children Act, 1958	6 & 7 Eliz. 2. c. 65.

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