

Orders of the Royal Court.



I
1968

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 6th day of February, 1968, before Dr. Francis Coningsby, Lieutenant-Bailiff; present:—
Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, and Edward James Lainé, Esquire, C.B.E., D.F.C., Jurats.

No. 1 Order, 1968

ENTITLED

The Adoption (Amendment) Rules, 1968

THE ROYAL COURT, in exercise of the powers conferred upon it by section ten of the Adoption (Guernsey) Law, 1960(a), as amended by section thirty-four of the Children and Young Persons (Guernsey) Law, 1967(b), and of all other powers thereunto enabling it, hereby orders:—

(a) Ordres en Conseil Vol. XVIII, p. 192.

(b) Ordre en Conseil No. 1 of 1967.

Amendment
of principal
Rules.

1. The Adoption Rules, 1961, as amended(c), are hereby further amended as follows, that is to say:—

(a) Rule 27 thereof is hereby revoked and the following Rule is hereby substituted therefor—

“ 27. Any information obtained by any person in the course of, or relating to, proceedings under the Law shall be treated as confidential and shall be disclosed if, but only if—

(a) the disclosure is necessary for the proper exercise of his duties;

(b) the information is requested by a court or public authority outside the Island having power to authorise an adoption for the purpose of the discharge of its duties in that behalf; or

(c) by a person who is authorised in writing by the Bailiff to obtain the information for the purposes of reasearch.”;

(b) immediately after Rule 28 thereof there is hereby inserted the following additional Rule designated “ 28A”—

“ Procedure to be followed where leave of the Court is sought to remove a child from the care and possession of the prospective adopters. 28A. (1) A person wishing to apply to the Court to grant leave for the removal of an infant from the care and possession of an applicant under section twenty-three or section twenty-four of the Law (hereafter in this Rule referred to as “ the said person ”), shall give notice in Form 13 to the Court by deliver-

ing it, or sending it by post, to Her Majesty's Greffier.

(2) Her Majesty's Greffier shall serve a copy of the said notice on the applicant and on each respondent to the application for the adoption order, other than the said person.

(3) The Court shall fix a time for hearing the application under this Rule and Her Majesty's Greffier shall serve notice of the time on the said person and on the applicant and each respondent, other than the said person, to the application for the adoption order; and the applicant and each such respondent shall be a respondent to the application under this Rule.

(4) If a serial number has been assigned to the applicant under Rule 3 of these Rules, the proceedings under this Rule shall be conducted with a view to securing that, except with his consent, he is not seen by, or made known to, any other respondent to the application under this Rule, or to the said person, if he is not aware of his identity.

(5) Rule 16, Rule 23 and Rule 24 of these Rules shall apply to proceedings under this Rule as they apply to an application for an adoption order.

(6) Rule 26, Rule 27 and Rule 28 of these Rules shall apply to proceedings under this Rule as they apply to proceedings under Part II of the Adoption (Guernsey) Law, 1960.”;

(c) in Form 3 in the First Schedule thereto—

(i) in paragraph A thereof, the comma immediately after the word “albumen” and the words “sugar and phenylpyruvic acid” are hereby revoked and the words “and sugar” are hereby substituted therefor;

(ii) paragraph E thereof is hereby revoked and the following paragraph is hereby substituted therefor—

“ E (i) *(To be completed only in the case of a child at least six weeks old at the time of the test)*

Result of suitable serological test of the child’s blood for syphilis (please specify test)
.....

(ii) *(To be completed only in the case of a child at least six weeks and under two years old at the time of the examination)*

Result of examination of the child’s urine for phenylpyruvic acid
.....”;

(d) In Form 7 in the First Schedule thereto—

(i) in the paragraph beginning with the words “And further take notice” the

words "Application for such leave may be made personally to the Court" are hereby revoked;

- (ii) immediately after the said paragraph there is hereby inserted the following paragraph—

"[And further take notice that the Court has been requested to dispense with your consent to the making of the adoption order/provisional adoption order on the ground that(5)] (6)";

- (iii) immediately after paragraph (4) of the Notes thereto there are hereby inserted the following two paragraphs designated "(5)" and "(6)" respectively—

- "(5) Enter the grounds specified in Form 1 (entry No. 12).
(6) Delete words in square brackets if inapplicable.";

- (e) immediately after Form 12 in the First Schedule thereto there is hereby inserted the following Form designated "FORM 13"—

FORM 13
Rule 28A No.
NOTICE ASKING FOR LEAVE OF COURT TO REMOVE INFANT FROM PROSPECTIVE ADOPTERS
IN THE MATTER OF the Adoption (Guernsey) Law, 1960
and
IN THE MATTER OF(1)
an infant

Whereas an application has been made by or under the serial number for an adoption order/provisional adoption order in respect of the above-named infant(2):

I hereby give notice that—

- (a) I, the parent/guardian of the infant, seek the leave of the Royal Court to remove the infant from the care and possession of the applicant(3):
- (b) the Children Board seeks the leave of the Royal Court to give notice of its intention not to allow the infant to remain in the care and possession of the applicant(3):

The grounds on which the leave of the Royal Court is sought are as follows:—

.....
.....

Date Signature

Address

Notes:

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 7 which you have received from Her Majesty's Greffier.
- (2) Enter the name of the applicant or the serial number assigned to the applicant and specified in the said Form 7.
- (3) A notice can be given only by a parent or guardian of the infant who has con-

sented to the making of an adoption order or by the Children Board where it has placed the infant with the prospective adopters or the infant is in its care. In the first case delete paragraph (b) and state your relationship to the infant: in the other two cases delete paragraph (a).”;

- (f) in the Second Schedule thereto—
- (i) the full-stop at the end of paragraph 1 thereof is hereby deleted and a semi-colon is hereby substituted therefor;
 - (ii) immediately after sub-paragraph (g) of paragraph 1 thereof there are hereby inserted the following three additional sub-paragraphs designated respectively “(h)”, “(i)” and “(j)”—
 - “(h) why the applicant wishes to adopt the infant;
 - (i) such other information, including an assessment of the applicant’s personality and, where appropriate, that of the infant, as has a bearing on the mutual suitability of the applicant and the infant, and on the ability of the applicant to bring up the infant;
 - (j) the applicant’s religious persuasion, if any.”;
 - (iii) immediately after paragraph 11 thereof there is hereby inserted the following additional paragraph numbered “12”—

“12. The guardian ad litem shall draw the attention of the Court to any difference in age between the applicant

and the infant which is less than the normal difference in age between parents and their children.”.

Citation
and
commence-
ment.

2. (1) These Rules may be cited as the Adoption (Amendment) Rules, 1968, and these Rules and the Adoption Rules, 1961 and 1963, may be cited together as the Adoption Rules, 1961 to 1968.

(2) These Rules shall come into operation on the twelfth day of February, nineteen hundred and sixty-eight.

R. H. VIDELO,
Her Majesty's Greffier.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

PRICE 1/-