
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Evidence and procedure

Evidence of agreement and consent

62.—(1) Any agreement or consent which is required by this Order to be given to the making of an order or application for an order may be given in writing, and, if the document signifying the agreement or consent is witnessed in accordance with adoption rules, it shall be admissible in evidence without further proof of the signature of the person by whom it was executed.

(2) A document signifying such agreement or consent which purports to be witnessed in accordance with adoption rules shall be presumed to be so witnessed, and to have been executed and witnessed on the date and at the place specified in the document, unless the contrary is proved.

Evidence of adoptions, etc.

63.—(1) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall—

- (a) without any further or other proof of that entry, be received as evidence of the adoption to which it relates; and
- (b) where the entry contains a record of the date of the birth of the adopted person or of the country or the registration district in which he was born, be also received as evidence of that date or country or district.

(2) Any document which under section 50(2) of the Adoption Act 1976(1) or section 45(2) of the Adoption (Scotland) Act 1978(2) or any corresponding provision of any other Act is receivable as evidence of any matter in any part of Great Britain shall also be so receivable in Northern Ireland.

(3) An adoption, other than one to which paragraph (1) or (2) relates, may be proved by the production of any document which is receivable as evidence of the adoption in the country under whose law the adoption was made.

Removal of proceedings and appeals

64.—(1) Subject to paragraph (4), where any application is made under this Order to a county court, the High Court may, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.

(1) 1976 c. 36
(2) 1978 c. 28

(2) Subject to paragraph (4), where an application is made under this Order to a county court and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the county court shall refuse to make an order, and in that case no appeal shall lie under paragraph (3).

(3) Subject to paragraphs (2) and (4) and without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980(3) any person aggrieved with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of the County Courts (Northern Ireland) Order 1980 and the appeal were brought under Article 60 of that Order.

(4) No appeal shall lie under paragraph (3) against an order made under Article 35.

Proceedings to be in private

65. Proceedings under Part III, Article 30 and Article 57—

- (a) in the High Court, may be disposed of in chambers;
- (b) in a county court, shall be heard and determined in chambers.

Guardians ad litem

66.—(1) For the purpose of any application for an adoption order or an order freeing a child for adoption or an order under Article 20 or 57, adoption rules shall appoint—

- (a) an officer of a Board; or
- (b) a person employed by such other organisation as the Department may approve;

to be guardian ad litem of the child concerned upon the hearing of the application.

(2) Subject to adoption rules, it shall be the duty of the guardian ad litem to safeguard the interests of the child concerned.

Adoption rules

67.—(1) In the case of—

- (a) an application for an adoption order in relation to a child who is not free for adoption;
- (b) an application for an order freeing a child for adoption;

rules shall require every person who can be found and whose agreement or consent to the making of the order is required under this order to be notified of a date and place where he will be heard on the application and of the fact that, unless he wishes or the court requires, he need not attend.

(2) In the case of an application under Article 57, rules shall require every parent and guardian of the child who can be found to be notified as aforesaid.