

SCHEDULE 1

PART IVC

MISCELLANEOUS PROCEEDINGS UNDER THE ORDER OF 1987

Application for leave of the court etc

4C.1.—(1) An application under –

- (a) Article 20(2);
- (b) Article 28(1) or (2);
- (c) Article 29(1) or (2);
- (d) Article 30(1);
- (e) Article 30(2); or
- (f) Article 31(2),

shall be made in accordance with paragraph (2).

(2) An application pursuant to paragraph (1) shall be made –

- (a) if an application for an adoption order or an order under Articles 17, 18 or 20 is pending, by sending a notice of application in Form A20 to the Master; or
- (b) if no such application is pending, by sending a notice of application in Form A21 to the Master.

(3) Subject to paragraph (5), the Master shall serve a copy of the notice of application, together with a notice of the date of hearing –

- (a) where the proceedings specified in paragraph 2(a) were pending at the time of receipt of the application or where such proceedings were commenced subsequently, on the parties to those proceedings and on the guardian ad litem;
- (b) in any other case, on any person against whom an order is sought in the application and on the Board to whom the prospective adopter has given notice under Article 22; and
- (c) in any case, on such other person or body, not being the child, as the court thinks fit.

(4) Anyone who wishes to object to the application shall, within 14 days of the service of the application on him, send written notice of his objection to the Master.

(5) The Master shall serve a copy of the written notice of objection on each person served with a copy of the application.

(6) If in any application under this rule a serial number has been assigned to a person who has applied or who proposes to apply for an adoption order, or such a person applies to the Master in that behalf before filing the application and a serial number is assigned accordingly –

- (a) the Master shall ensure that the documents served under paragraph (3) or (5) do not disclose the identity of that person to any other party to the application under this rule who is not already aware of that person's identity, and
- (b) the proceedings on the application under this rule shall be conducted with a view to securing that he is not seen by or made known to any party who is not already aware of his identity except with his consent.

(7) Unless otherwise directed, any prospective adopter who is served with a copy of an application under this rule and who wishes to oppose the application shall file his application for an adoption

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order within 14 days or before or at the time of the hearing of the application under this rule, whichever is the earliest.

(8) The court may at any time give directions as to the appointment of a guardian ad litem of the child.

(9) Where an application under paragraph (1)(a), (b) or (e) is granted or an application under paragraph (1)(c) or (d) is refused, the judge may thereupon, if any application for an adoption order has been filed, treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.

(10) Where an application under this rule is determined the Master shall serve notice of the effect of the determination on all the parties.