



Adoption of Children Act 1949

1949 CHAPTER 98

3 Consent to adoption

- (1) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant, or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant:

Provided that the court may dispense with any consent required by this subsection if it is satisfied—

- (a) in the case of a parent or guardian of the infant, that he has abandoned, neglected or persistently ill-treated the infant;
 - (b) in the case of a person liable as aforesaid to contribute to the maintenance of the infant, that he has persistently neglected or refused so to contribute;
 - (c) in any case, that the person whose consent is required cannot be found, or is incapable of giving his consent or that his consent is unreasonably withheld.
- (2) The consent of any person to the making of an adoption order in pursuance of an application may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is to be brought up) without knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably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.
- (3) Where any person whose consent to the making of an adoption order is required by this section does not attend in the proceedings for the purpose of giving it, 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 or otherwise described in the document, 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 by a justice of the peace (or, if executed outside the United Kingdom, by a person of any such class as may be prescribed by rules made under the principal Act), the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Provided that a document signifying the consent of the mother of an infant shall not be admissible as aforesaid 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 by a justice of the peace or, as the case may be, by a person of a class prescribed "as aforesaid."
- (4) While an application for an adoption order in respect of an infant is pending in any court, any 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.
- (5) For the purposes of subsection (3) of this section, a document purporting to be attested as mentioned in that subsection shall be deemed to be so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.
- (6) Subsection (3) of section two of the principal Act shall cease to have effect.