



Adoption of Children Act 1949

1949 CHAPTER 98

5 Probationary period

- (1) After the expiration of three months from the commencement of this Act an adoption order shall not be made in the case of any infant unless—
 - (a) the infant has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and
 - (b) the applicant has, at least three months before the date of the order, notified the welfare authority for the area in which he is for the time being resident of his intention to apply for an adoption order in respect of the infant.
- (2) An interim- order under section six of the principal Act shall not be made in any case where the making of an adoption order would be unlawful by virtue of the last foregoing subsection.
- (3) Where, under subsection (1) of this section, notice is given to the welfare authority in respect of an infant who is not over compulsory school age, subsections (5) to (7) and (10) of section seven of the Adoption of Children (Regulation) Act, 1939 (hereinafter referred to as " the Act of 1939 "), shall, notwithstanding anything in that section or in section thirty-seven of the Children Act, 1948, but subject to the provisions of subsection (2) of the said section seven, apply in relation to the infant and the person by whom the notice is given as they apply in relation to an adopted child and an adopter within the meaning of that section.
- (4) Any notice under this section may be served by post.