

1999 No. 1477 (L. 16)

CHILDREN AND YOUNG PERSONS

The Adoption (Amendment) Rules 1999

<i>Made</i> - - - -	<i>25th May 1999</i>
<i>Laid before Parliament</i>	<i>26th May 1999</i>
<i>Coming into force</i>	<i>16th June 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 66(1) and 67(1) of the Adoption Act 1976(a), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Adoption (Amendment) Rules 1999 and shall come into force on 16th June 1999.

(2) In these Rules, unless the context otherwise requires, a rule referred to by number alone means the rule so numbered in the Adoption Rules 1984(b).

Amendments to the Adoption Rules 1984

2. For rule 3(2) substitute:—

“(2) Subject to the provisions of these rules and to any enactment, the Rules of the Supreme Court 1965(c) and the County Court Rules 1981(d) in force immediately before 26th April 1999 shall continue to apply, with any necessary modifications, to proceedings in the High Court or a county court under the Act, and any reference in these rules to those rules shall be construed accordingly.”

3. Rule 51 shall stand as paragraph (1) of Rule 51.

4.—(1) After rule 51(1), insert—

“(2) Order 62 of the Rules of the Supreme Court 1965 and Order 38 of the County Court Rules 1981 shall not apply to costs in proceedings under the Act and Parts 43, 44 (except rules 44.9 to 44.12), 47 and 48 of the Civil Procedure Rules 1998(e) shall apply to costs in those proceedings with the following modifications:—

(a) in rule 43.2(1)(c)(ii) of the Civil Procedure Rules, “district judge” includes a district judge of the Principal Registry of the Family Division; and

(b) rule 44.3(2) of the 1998 Rules (costs follow the event) shall not apply.”.

(2) Paragraph (1) applies to any assessment of costs that takes place on or after 16th June 1999, but so that, as a general rule, no costs for work done before that date shall be disallowed if they would have been allowed on taxation before that date.

25th May 1999

Irvine of Lairg, C.

(a) 1976 c. 36.
(b) S.I. 1984/265 amended by S.I. 1991/1880.
(c) S.I. 1965/1776.
(d) S.I. 1981/1687.
(e) S.I. 1998/3132 amended by S.I. 1999/1008.

EXPLANATORY NOTE

(This note is not part of the Rules)

The Adoption Rules 1984 apply the Rules of the Supreme Court 1965 and the County Court Rules 1981. On 26th April 1999, the Civil Procedure Rules 1998 came into force in respect of civil proceedings; they supersede the Rules of the Supreme Court and the County Court Rules, which will cease to have effect. These Rules provide for the Rules of the Supreme Court and County Court Rules to continue to apply to the Adoption Rules. The exception is the assessment of costs, where the relevant provisions of the Civil Procedure Rules will apply instead.

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