

## CHAPTER XVIII

## ADOPTION OF INFANTS

## Section 11

Rules 8th November  
1976.

**ADOPTION OF INFANTS RULES 1976**  
**Made by the Governor**

Short title.

**1.** These Rules may be cited as the Adoption of Infants Rules.

Interpretation.

**2.** In these Rules—  
“ordinance” means the Adoption of Infants Ordinance;  
“applicant” means the person or persons making an application under the ordinance.

Application.

**3.—(1)** An application for an Adoption Order shall be in Form No.1 in the Schedule to these Rules and shall be made to the Magistrate’s Court.

(2) The application shall be accompanied by—  
(a) the original documents referred to therein;  
(b) a copy of the application;  
(c) a copy of every such original document.

(3) The application shall be supported by an affidavit made by the applicant in manner appearing in the said Form No.1.

(4) Any document signifying the consent of any person to the making of an Adoption Order for the purposes of section 5 of the ordinance shall be in Form No.2 in the Schedule hereto and if executed before the commencement of the proceedings shall be attached to the application.

(5) A document executed outside Pitcairn Island signifying consent to the making of an Adoption Order shall be sufficiently attested for the purposes of subsection (3) of section 5 of the ordinance if it is attested by any of the following persons:—

(a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;  
(b) a British consular officer;  
(c) a notary public; or  
(d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of these forces.

Where previous  
application refused.

**4.** If it appears to the Court that the applicant has made a previous application under the ordinance in respect of the same infant and that such application has been refused, the Court shall not make an Adoption Order or an interim order

unless satisfied that there has been a substantial change in the circumstances.

**5.**—(1) Subject to the provisions of Rule 4 of these Rules, the Court shall as soon as practicable after an application is made appoint a guardian at law of the infant and shall furnish him with a copy of the application and of every document referred to therein.

Guardian at law to be appointed.

(2) The Court may revoke at any time the appointment of a guardian at law and may appoint another in his place.

(3) The following persons or bodies shall be made respondents, namely, the infant in respect of whom the application is made, the guardian at law of the infant, every person or body who is a parent or guardian of the infant, or has the actual custody of the infant or is liable to contribute to the support of the infant, and the spouse, if any, of the applicant, except in the case of a joint application by two spouses.

(4) As soon as the guardian at law has been appointed the Court shall fix a time for the hearing of the application and shall issue a notice in Form No.3 in the Schedule to these Rules addressed to the respondents and shall direct the applicant to cause such notice to be served on each of them:

Time for hearing.

Provided that where the infant is in the actual custody of any person or body such notice need not be served on the infant but may require such person or body to produce the infant to the court.

**6.** Any notice under these Rules shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally or by leaving a copy with some person for him at his last or usual place of abode whether such place of abode is in Pitcairn Island or elsewhere:

Service.

Provided that where the respondent is a body, the copy shall be sent by registered post to the registered office of that body or if there is no registered office to the place where the body transacts or carries on its business.

**7.** Where the consent of a local authority or other body of persons to the making of an Adoption Order is necessary under the ordinance such consent may be given on its behalf by any officer or agent of that body duly authorised in writing in that behalf by such body.

Consent of local authority, etc.

**8.**—(1) It shall be the duty of the guardian at law to investigate as fully as possible all the circumstances of the infant and the applicant and all other matters relevant to the proposed adoption with a view to safeguarding the interests of the infant before the Court and in particular it shall be his or her duty to include in such investigation the following questions—

Duty of guardian at law.

- (a) whether the application is true and complete particularly as regards the date of birth and the identity of the infant;
- (b) whether any payment or other reward in consideration of the adoption has been received or agreed upon and whether it is consistent with the welfare of the infant;
- (c) whether the means and status of the applicant are such as to enable the applicant to maintain and bring up the infant suitably and what right to or interest in property the infant has;
- (d) what insurance, if any, has been effected on the life of the infant;
- (e) whether it is desirable for the welfare of the infant that the Court should be asked to make an interim order or, in making an Adoption Order, to impose any particular terms or conditions or to require the adopter to make any particular provisions for the infant.

(2) The guardian at law shall regard all information obtained by him or her in the course of the investigation as confidential and shall not divulge any part of it to any other person except so far as may be necessary for the proper execution of his or her duty.

(3) On completing the investigations the guardian at law shall make a confidential report in writing to the court.

(4) With a view to obtaining the directions of the Court on any particular matter the guardian at law may at any time make such interim report to the Court as appears to him or her to be necessary.

Hearing in private.

**9.** Every application under the Ordinance shall be made, heard and determined in private.

Personal attendance.

**10.—**(1) The Court shall not make an Adoption Order or an interim order except upon or after the personal attendance before the Court of the applicant:

Provided that where the application is made by two spouses jointly the Court may dispense with the personal attendance of one of the applicants.

(2) If the applicant has been informed that the personal attendance of the infant at the hearing is required, the Court shall not make an Adoption Order or an interim order unless—

- (a) the infant has so attended or the Court decides that there are special circumstances making such attendance unnecessary; and
- (b) the Court is satisfied that the infant has been

informed of the nature of the order.

**11.** The Court may direct that any one or more of the respondents shall attend and be heard and examined separately and apart from the applicant or any other respondent if the Court is satisfied that this course is desirable and will not prejudice the determination of any question involved.

Powers of Court as to separate attendance of parties.

**12.** On any adjournment of the hearing the Court may issue to any respondent not in attendance a notice of the time and place to which the hearing is adjourned and may direct the applicant to cause it to be served.

Notice to respondent not in attendance.

**13.** If owing to special circumstances an application appears to the Court to be more fit to be dealt with by the Supreme Court the Court may on that ground expressly refuse to make an order.

Refusal.

**14.—**(1) An Adoption Order or an interim order shall be drawn up in Form No.4 or No.5 in the Schedule to these Rules as the case may require.

Form of orders.

(2) No copy or duplicate of such order shall be given to or served upon any person other than the applicant and the Registrar except by special direction of the Supreme Court or of the Magistrate's Court.

(3) An interim order may include such terms as regards the exercise of supervision by the guardian at law or otherwise as the Court may think fit.

**15.—**(1) Where the determination of an application has been postponed and an interim order has been made, the applicant shall at least two months before the expiration of the order apply to the Court to proceed with the determination of the application and it shall thereupon be lawful for the Court to fix a time for the further hearing of the application and to issue a notice in Form No.6 in the Schedule to these Rules addressed to the respondents and to direct the applicant to cause such notice to be served on each of them:

Procedure where application postponed.

Provided that where the infant is in the actual custody of the applicant the notice need not be served on the infant.

(2) Where the applicant so applies, an Adoption Order shall not be made unless the applicant, the infant and the guardian at law have attended the further hearing.

**16.** It shall be the duty of the Registrar of the Court to cause a certified copy or a duplicate of such order to be forwarded within seven days to the Registrar of Births and Deaths.

Copy to be sent to Registrar of Births and Deaths.

Application of Justice  
Ordinance.  
cap. 3

**17.** Subject to these Rules, the Justice Ordinance and the rules made thereunder shall apply to proceedings under the ordinance so far as they are practicable.

Forms.  
cap. 3

**18.** The forms in the Schedule hereto shall be used on applications under the ordinance and in any case where no form is included in the Schedule the forms in use in the Magistrate's Court may be adapted with such variations as may be necessary.

**SCHEDULE****Form No.1****ADOPTION OF INFANTS ORDINANCE**

(Chapter 18)

**APPLICATION FOR ADOPTION ORDER**

(Rule 3)

(Every paragraph must be completed or deleted as the case may be.)

To the Magistrate's Court at Adamstown, Pitcairn Island.

I / We the undersigned \_\_\_\_\_ and \_\_\_\_\_ being  
 desirous of adopting \_\_\_\_\_ an infant under the provisions of the  
 Adoption of Infants Ordinance hereby state

**PART 1—PARTICULARS OF APPLICANT(S)**

1. Name of (first) applicant in full  
 Address  
 Occupation  
 Date of birth  
 Relationship (if any) to infant  
 Name of (second) applicant in full  
 Address  
 Occupation  
 Date of birth  
 Relationship (if any) to infant
2. I am / We are resident in Pitcairn Island.
3. I am a widow / widower / unmarried / I am married to  
 of \_\_\_\_\_ / We are married to each other and our marriage  
 certificate (or other evidence of marriage) is attached.
- \* 4. The consent of my husband / wife to the making of an Adoption  
 Order authorising me to adopt the infant is attached;  
**or**  
 I request the Court to dispense with the consent of my husband /  
 wife on the ground that he / she cannot be found / is incapable of  
 giving his / her consent / we have separated and are living apart and  
 the separation is likely to be permanent.

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\*Delete if a joint application or if applicant not married.

**PART 2—PARTICULARS OF INFANT AND CONSENTS**

5. Name in full.
6. The infant is of \_\_\_\_\_ sex and is not and has not been married.
- \*\*7. The infant is the person to whom the attached birth or adoption certificate relates / the infant was born \_\_\_\_\_ on or about \_\_\_\_\_
8. The infant is the child / adopted child of:  
Name of mother \_\_\_\_\_  
Address \_\_\_\_\_ (or deceased) and name of father \_\_\_\_\_  
Address \_\_\_\_\_ (or deceased) \_\_\_\_\_
9. The guardian (if any) of the infant is:  
Name \_\_\_\_\_  
Address \_\_\_\_\_
10. I / We attach a document / documents signifying the consent of the infant's mother / father / guardian to the making of an Adoption Order authorising me / us to adopt the infant.
11. I / We request the Court to dispense with the consent of the infant's mother / father / guardian on the ground that \_\_\_\_\_
12. The following person is liable by virtue of an order of a court or an agreement to contribute to the maintenance of the infant:  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Particulars of Court Order or agreement:  
Name of Court \_\_\_\_\_ Date of Order \_\_\_\_\_  
or Date of agreement \_\_\_\_\_
13. If an Adoption Order is made in pursuance of this application the infant is to be known by the following names:  
Surname \_\_\_\_\_  
Other names \_\_\_\_\_

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\*\*If no certificate enter date and place of birth so far as is known.



**CONSENT TO ADOPTION ORDER**

**Form No.2**

In the matter of an application to the Magistrate’s Court by  
of hereinafter called the applicant  
for an order authorising the applicant under the provisions of the  
Adoption of Infants Ordinance to adopt an infant of  
the sex years of age resident at  
hereinafter called the infant.

Delete all but one of these descriptions.

I, the undersigned, of being—

- (a) the father of the infant;
- (b) the mother of the infant;
- (c) a guardian of the infant;
- (d) a person (acting on behalf of a body) having the actual custody of the infant;
- (e) a person (acting on behalf of a body) being liable to contribute to the support of the infant;
- (f) the spouse of the applicant,

\*Delete except in the case of a parent.

hereby state that I understand the nature and effect of the Adoption Order for which application is made \*(and that in particular I understand that the effect of the order will be permanently to deprive me of my parental rights) and I hereby consent to the making of an Adoption Order in favour of the applicant.

In witness whereof I have signed this consent on the  
day of , 20 .

(Signature)

Signed in the presence of:

(Signature)

(Address)

(Description)

NOTE: Where the application is made by two spouses jointly the form should be modified.

**ADOPTION OF INFANTS ORDINANCE****Form No.3**

(Chapter 18)

**NOTICE OF APPLICATION FOR AN ADOPTION ORDER**

In the Magistrate's Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

To \_\_\_\_\_ of \_\_\_\_\_

and \_\_\_\_\_ of \_\_\_\_\_

Take notice—

(1) That an application has been made by \_\_\_\_\_ of \_\_\_\_\_ for an order under the Adoption of Infants Ordinance, authorising the applicant to adopt \_\_\_\_\_ an infant of the \_\_\_\_\_ sex aged \_\_\_\_\_ years resident at \_\_\_\_\_

(2) That \_\_\_\_\_ of \_\_\_\_\_ has been appointed guardian at law of the said infant.

(3) That the said application will be heard before the Magistrate's Court sitting at Adamstown, Pitcairn Island, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon and that you are severally required to attend before the Court (and in the case of \_\_\_\_\_ to produce the said infant before the Court) but the Court may dispose of the case in the absence of any of you.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Island Magistrate / Magistrate (L.S.)

NOTE: Where the application is made by two spouses jointly the form should be modified.

**ADOPTION OF INFANTS ORDINANCE**

**Form No.4**

(Chapter 18)

**ADOPTION ORDER**

In the Magistrate’s Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

WHEREAS an application has been made by

of (hereinafter called the applicant) for an Adoption Order  
in respect of an infant of the sex, the child  
aged years, resident at .

AND WHEREAS the name or names and surname by which the infant  
is to be known are

AND WHEREAS the Court is satisfied that the applicant is qualified in  
accordance with the provisions of the Adoption of Infants Ordinance to  
adopt the infant and that all conditions precedent to the making of an  
Adoption Order by the Court have been fulfilled:

IT IS ORDERED that the applicant be authorised to adopt the infant.

(AND as regards costs IT IS ORDERED that .)

(AND the precise date of the infant’s birth not having been proved to the  
satisfaction of the Court IT IS DETERMINED that the probable date of  
the infant’s birth was the day of ,20 , and  
such date is hereby specified as the date of the infant’s birth.)

AND IT IS DIRECTED that the Registrar of Births and Deaths shall  
make in the Adopted Children Register an entry in the form set out in the  
Schedule to this Order.

(The country of birth of the infant not having been proved to the satisfaction  
of the Court, the particulars of the country of birth shall be omitted from  
such entry.)

AND it having been proved to the satisfaction of the Court that the  
infant is identical with (to whom the entry numbered  
made on day of ,20 , in  
the Adopted Children Register relates) IT IS DIRECTED that the said  
entry in the (Register of Births be marked with the word “Adopted”) (the  
Adopted Children Register be marked with the word “Re-adopted”) by  
the Registrar of Births and Deaths.

(The following payment or reward is sanctioned .)

DATED the

day of

, 20

.

(Signature)

Island Magistrate / Magistrate (L.S.)

**SCHEDULE****Form No.5**

Date and country of birth of child	Name and surname of child	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of Adoption Order and description of court by which made

**ADOPTION OF INFANTS ORDINANCE**

**Form No.6**

(Chapter 18)

**INTERIM ORDER**

In the Magistrate’s Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

The \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

WHEREAS an application has been made by

of \_\_\_\_\_ (hereinafter called the applicant) for an Adoption Order in respect of \_\_\_\_\_ an infant of the \_\_\_\_\_ sex, (hereinafter called the infant):

AND WHEREAS the Court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption of Infants Ordinance to adopt the infant and that all conditions precedent to the making of an interim order by the Court have been fulfilled:

IT IS ORDERED that the determination of this application be postponed and that the applicant do have the custody of the infant until the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by way of a probationary period

(on the following terms, namely— \_\_\_\_\_ )

(AND as regards costs IT IS ORDERED THAT \_\_\_\_\_ )

(AND that the application shall be further heard on \_\_\_\_\_ )

(Signature)

Island Magistrate / Magistrate (L.S.)



