



Adoption Act 1984

ADOPTION (AMENDMENT) RULES 2012

Laid before Tynwald:

Coming into Operation: 7 December 2012

The Deemsters make the following Rules under section 52 of the Adoption Act 1984¹.

1 Title

These Rules are the Adoption (Amendment) Rules 2012.

2 Commencement

These Rules come into operation on 7 December 2012.

3 Amendment of 2003 Rules

- (1) The Adoption Rules 2003² are amended as follows:
- (2) In rule 1(2), after the definition of "interim order" insert —
""member", in relation to a couple, means one of the spouses, civil partners or partners, as the case may be;"
- (3) In rule 5(2)(e), for "spouse of the applicant" substitute "other member of the couple".
- (4) In rule 25(1), in sub-paragraphs (a)(i) and (iv) and (b)(i), for "spouses (in the case of an application by a married couple)" substitute "members (in the case of an application by a couple)".
- (5) In Schedule 1, in Part 1 of Form 1 —
 - (a) for paragraph 3 substitute —
"3. Status

I am not and have not been married or a civil partner; *or*

[We are married to each other and our marriage certificate (or other evidence of marriage) is attached] or [I was formerly married but [am a widow] [am a widower] [my marriage was

¹ 1984 c.14

² SD 216/03

dissolved by divorce] or [I am applying alone as a married person and can satisfy the court that] or

[We are civil partners and our certificate of civil partnership (or other evidence of civil partnership) is attached] or [I am a former civil partner [whose civil partner is deceased] [whose civil partnership has been dissolved]] or [I am applying alone as a civil partner and can satisfy the court that] or

We are living with each other as partners in an enduring family relationship ";

b) for the note on paragraph 3 substitute –

"Paragraph 3: Documentary evidence of marital or civil partnership status should be supplied. An applicant who is married or a civil partner can apply alone if he or she can satisfy the court that his or her spouse or civil partner cannot be found, or that they have separated and are living apart and that the separation is likely to be permanent, or that by reason of physical or mental ill health the spouse or civil partner is incapable of making an application for an adoption order. Any documentary evidence on which the applicant proposes to rely should be attached to the application. The name and address (if known) of the spouse or civil partner should be supplied, and the marriage or civil partnership certificate (or other evidence of marriage or civil partnership) should be attached."

- (6) In Schedule 1, in Form 3, in the note on paragraphs 1 and 2, after "spouse" insert "or civil partner".
- (7) In Schedule 2, in paragraph (iii) of section 2.A, after "marital" insert "or civil partnership".
- (8) In Schedule 3 –
- (a) in section 4 –
- (i) in paragraph (c), for "marital status, date and place of marriage" substitute "marital or civil partnership status, date and place of marriage or formation of civil partnership";
- (ii) in paragraph (d), after "marriage" insert "or civil partnership";
- (iii) in paragraph (g), after "married person" insert "or civil partner"
- (b) in section 6, in paragraph (b), for "spouse or ex-spouse" substitute "spouse, civil partner, former spouse or former civil partner".
- (9) In Schedule 4, for "spouses (in the case of an application by a married couple)" (in each place) substitute "members (in the case of an application by a couple)".

MADE

5 DECEMBER 2012

D C DOYLE

Her Majesty's First Deemster and Clerk of the Rolls

ANDREW CORLETT

Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Adoption Rules 2003 consequential on the amendments to the Adoption Act 1984 made by the Civil Partnership Act 2011.