



**SUPPLEMENT No. 3**  
TO  
**THE CYPRUS GAZETTE No. 3798 OF 23RD DECEMBER, 1954.**  
**SUBSIDIARY LEGISLATION.**

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**No. 707.** ✓ **THE ADOPTION LAW, 1954.**

RULES OF COURT MADE UNDER SECTIONS 9 AND 25 (4).

R. P. ARMITAGE,  
*Governor.*

In exercise of the powers vested in me by sections 9 and 25 (4) of the Adoption Law, 1954, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules :—

PART I.—PRELIMINARY.

1. These Rules may be cited as the Adoption Rules, 1954.

2.—(1) In these Rules the following expressions have the meanings hereby respectively assigned to them :—

“ applicant ” includes either, as well as both, of two joint applicants ;

“ Court ” means any member of a District Court or any Judge of a Turkish Family Court having jurisdiction under section 2 or section 25 (6) of the Law ;

“ Civil Procedure Rules ” means the Rules of Court, 1938 to (No. 1) 1954, as amended by any subsequent Rules ;

“ interim order ” means an order made under section 8 of the Law ;

“ Registrar ” means the Registrar of the Court having jurisdiction under the Law ;

“ Welfare Authority ” means the Director of Welfare Services for the time being and includes any officer nominated by him in writing for the purposes of these Rules.

(2) A form referred to by number in these Rules means the form so numbered in Appendix A to these Rules and shall be used with such modifications as the circumstances of each case may require.

*Gazettes :*  
Supplement  
No. 3.  
1.6.1938  
to  
20.5.1954

Appendix A.

PART II.—COMMENCEMENT OF PROCEEDINGS FOR ADOPTION.

3. An application for an adoption order shall be made by originating application in Form 1. The proposed adopter shall be the applicant and the persons mentioned in Rule 14 shall be the respondents. The application shall be supported by an affidavit verifying the several statements therein.

4. Save as provided in Rule 8 no person shall be served or furnished with a copy of the application.

5. If any person proposing to apply to the Court for an adoption order desires that his identity should be kept confidential, he may, before presenting an originating application, apply to the Registrar for a serial number to be assigned to him for the purposes of the proposed application, and the Registrar shall assign such a number to him accordingly.

6.—(1) Any document attached to the application signifying the consent of any person to the making of an adoption order shall be in Form 2.

(2) Where a certificate has been obtained under section 4 (5) (b) of the Law from the proper religious authority it shall be attached to the application.

7. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant either to the same or any other Court, the application shall not be proceeded with unless the Court is satisfied that there has been a substantial change in the circumstances since the previous application.

*Guardian ad litem.*

8. Subject to the provisions of Rule 7, where an application is made to the Court for an adoption order, the Court shall as soon as practicable appoint a welfare officer within whose area the applicant or the infant resides to be the guardian *ad litem* of the infant for the purposes of the application and shall cause one copy of the originating application and of the documents attached thereto to be served on him together with an undertaking by the applicant in Form 3 to pay the welfare officer's proper costs for acting as guardian *ad litem* for the infant.

9. It shall be the duty of the guardian *ad litem* to investigate as fully as possible all circumstances relevant to the proposed adoption with a view to safeguarding the interests of the infant before the Court, and to make a report to the Court for that purpose ; and in particular it shall be his duty—

Appendix B.

(a) to make inquiries as to all matters alleged in the application, and as to the additional matters specified in Appendix B to these Rules, and to report to the Court upon them ;

(b) to interview (either by himself or by an agent appointed by him for the purpose) every individual being an applicant for the order, or mentioned in the originating application as a person to whom reference may be made, or a person on whom notice of the application is required to be served under Rule 14 ;

(c) to satisfy himself, within twenty-one days of the service of the originating application on him, whether the infant is, or is not, of an age to understand the effect of an adoption order, and, if he is satisfied that he is,—

(i) to notify the Court forthwith that the infant is in his opinion of such an age ;

(ii) to find out whether the infant has been informed of the application and of the said effect, and, if he has not been so informed, to inform him thereof ;

(d) to attend the Court whenever required for the purposes of the application.

10. The guardian *ad litem*, any agent of his, and every welfare officer shall treat as confidential all information obtained in the course of the investigation, 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 duty.

*Substitute for guardian ad litem.*

11. Where a welfare officer is appointed under these Rules as guardian *ad litem*, and he is unable to carry out his duties owing to illness, absence or other reasons beyond his control, anything required or authorized by these Rules to be done by the guardian *ad litem* may be done by any other welfare officer duly authorized by the Welfare Authority in that behalf provided the Authority shall have first notified the Court of such authorization and the reasons therefor.

*Applications under section 5 (4) of the Law.*

12. An application under sub-section (4) of section 5 of the Law, for leave to remove the infant from the care and possession of the applicant shall be made personally to the Court, and notice thereof shall be served on the guardian *ad litem*.

13. Where leave to remove the infant from the care and possession of the applicant is granted under sub-section (4) of section 5 of the Law, the Court may, upon granting leave, dismiss the application for the adoption order.

*Attendance of parties and hearing of application.*

14. When a guardian *ad litem* has made his report to the Court the Registrar shall fix a date and time for the hearing of the application, and shall serve a notice in Form 4 on the following persons, that is to say :—

- (a) the applicant ;
- (b) every person whose consent to the order is required under sub-section (4) of section 4 of the Law ;
- (c) the guardian *ad litem* ;
- (d) any other person, not being the infant, who, in the opinion of the Court, ought to be served with a notice ;

and any person on whom a notice is required to be served under this Rule shall be a respondent to the application.

15. Where the Court is notified by the guardian *ad litem* under paragraph (c) of Rule 9 of these Rules that the infant is in his opinion of an age to understand the effect of an adoption order, the Registrar shall serve on the applicant a notice in Form 5.

16. Subject to Rule 17, the Court shall not make an adoption order or an interim order except after the personal attendance before the Court of the applicant, the infant (unless in the opinion of the Court he is not of an age to understand the effect of the adoption order) and the guardian *ad litem* ; but except as aforesaid, the personal attendance of a person served with a notice under Rule 14 shall not be required unless it appears to the Court that there are special circumstances which render his attendance necessary.

17. Where the application is made jointly, the Court may dispense with the personal attendance of one of the applicants if the originating application is verified by an affidavit sworn by that applicant, or, if made outside Cyprus, by a declaration made by him and attested by a person of the class prescribed by Rule 40.

18. Unless it appears from the originating application, or is otherwise shown to the satisfaction of the Court, that the applicant does not desire his identity to be kept confidential, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any person (other than the infant or the spouse of the applicant) whose consent to the order is required ; and in particular the Court shall direct that the applicant (unless his attendance is dispensed with under Rule 17) shall attend and be heard and examined separately and apart from any such person as aforesaid.

19.—(1) All documents filed in the Court shall be confidential and shall be kept secret by the Registrar.

(2) Every application for an adoption order or an interim order shall be heard and determined *in camera*.

20. The hearing of the application shall not be adjourned at the instance of the applicant unless the Court is satisfied that there are special circumstances which render the adjournment necessary or expedient.

*Form and transmission of adoption orders.*

21. An adoption order shall be drawn up in Form 7 and an interim order in Form 8.

22. Within seven days after the making of an adoption order, the Registrar shall send a certified copy of the order to the Chief Registrar and shall also, subject to the payment by the applicant of the prescribed fee, deliver or send a certified copy to the applicant.

23. An adoption order, and any copy of such an order sent to the Chief Registrar, shall be drawn up on paper of foolscap folio size, thirteen inches by eight inches, and shall have a margin to be left blank, not less than one inch wide, on the left side of the face of the paper and a similar margin on the right side of the reverse, if any.

24. Any copy of an order which is sent by post in accordance with Rule 22 shall be sent by registered post the receipt whereof shall be acknowledged by the Chief Registrar.

25. No duplicate or copy of an adoption order or interim order shall be given to or served upon any person other than the Chief Registrar or the applicant except by special direction of the Court by which the order was made.

26. Where an adoption order is made or refused or an interim order made, the Registrar shall notify all parties who were not present when the order was made or refused, without disclosing the identity of the applicant unless he does not desire his identity to be kept confidential.

*Restoration of proceedings after interim order.*

27. Where the determination of an application is postponed and an interim order made—

(a) the applicant shall, at least two months before the expiration of the period specified in the interim order, apply to the Court by which the order was made to proceed to the final determination of the application ;

(b) the Registrar shall thereupon fix a time for the further hearing of the application, and shall serve on every person served with a notice under Rule 14 a notice in Form 8.

28. If no such application as is mentioned in paragraph (a) of Rule 27 is made within the time required by that paragraph, an application for the purposes of that rule may be made at any time thereafter by the guardian *ad litem* or any person served with a notice under Rule 14 and the provisions of Rule 27 shall have effect accordingly.

*Amendment of adoption orders.*

29. An order under section 15 of the Law for the amendment of an adoption order may be made *ex parte*.

30. Where an order for the amendment of an adoption order is made as aforesaid the Registrar shall send to the Chief Registrar a notice specifying the date of the adoption order and the names of the adopter and of the adopted person (as described in the Schedule to the adoption order) and stating what amendments are to be made in the particulars specified in that order.

PART III.—APPLICATION TO TRANSFER CHILD ABROAD.

31. An application for a licence under section 25 of the Law authorizing the care and possession of a child, being a British subject, for whose adoption arrangements have been made to be transferred to a British subject resident abroad may be made by a parent or guardian of the child or by any other person or body concerned in the making of the arrangements for the adoption of the child.

32. Notice of the application shall be given in Form 9 and the notice shall be delivered or sent by registered post addressed to the Registrar of the District Court or (where the adopter is of the Moslem faith) to the Registrar of the Turkish Family Court within whose jurisdiction the infant, in respect of whom the application is made, resides.

*Report as to transferee.*

33. The Registrar shall transmit a copy of the notice to the Chief Registrar to be sent to a British consular officer or to some other person abroad who appears to the Court having jurisdiction in the matter to be trustworthy, and shall request the officer or person to report whether the person to whom the care and possession of the child is proposed to be transferred is a suitable person to be entrusted therewith.

34. Upon receipt of a report from the British consular officer or other person referred to in Rule 33 of these Rules, the Registrar who received the application shall fix a time for the hearing of the application and shall send to the applicant a notice in Form 10.

*Service of application and report.*

35. A copy of the notices referred to in Rules 33 and 34 of these Rules shall be served by the applicant upon the child and upon every person or body who is a parent or guardian of the child, or who has the actual custody of the child, or who is liable to contribute to the support of the child :

Provided that the Court may dispense with the service required by this Rule of a copy of the notices—

- (a) upon any person other than the child, if it is satisfied that that person cannot be found, and
- (b) upon the child, if it thinks fit having regard to the age and understanding of the child.

*Attendance at hearing of application.*

36. The Court may issue a notice in Form 11 requiring any person or body who has the actual custody of the child to produce the child at the hearing of the application.

37. The Court hearing the application may require any person attending for the purpose of making or opposing the application or giving evidence in the matter to be sworn.

*Form of consent and of licence.*

38.—(1) The consent of a person or body making the application shall be in Form 12 and shall be attested as provided in Rule 40.

(2) A licence granted under section 25 of the Law shall be in Form 13.

## PART IV.—SERVICE AND ATTESTATION OF DOCUMENTS.

39. Subject to the express provisions of these Rules any notice under these Rules shall be served in the manner prescribed in the Civil Procedure Rules ; but where a notice is addressed to the Welfare Authority it may be delivered at or sent by registered post to the principal office of the Authority.

40.—(1) Any consent required by section 25 (1) (a) of the Law attested by a member of the District Court or a Judge of a Turkish Family Court, as the case may be, shall be admissible as evidence of that consent without further proof of the signature of the person by whom it is executed and, for the purpose of an application for a licence under section 25 of the Law, 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.

(2) For the purposes of sections 6 and 25 of the Law a document or declaration executed or made by any person outside Cyprus shall be sufficiently attested if it is attested as follows :—

- (a) if the document or declaration is executed or made in any territory forming part of the British Commonwealth or in the Republic of Ireland, by any judge or registrar of any court of civil or criminal jurisdiction ;