



AN BILLE UCHTALA, 1974
ADOPTION BILL, 1974

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

ARRANGEMENT OF SECTIONS

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SCHEDULE



AN BILLE UCHTALA, 1974
ADOPTION BILL, 1974

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ADOPTION ACTS, 5
1952 AND 1964.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

“adoption order” means an order under section 9 of the Principal Act;

10

“the Board” means An Bord Uchtála;

1952, No. 25.

“the Principal Act” means the Adoption Act, 1952.

Welfare of child.

2.—In any matter, application or proceedings before the Board or any court relating to the arrangements for or the making of an adoption order, the Board or the court, in deciding that question, shall regard the welfare of the child as the first and paramount consideration.

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Power to make adoption order in the absence of consent.

3.—(1) In any case where a person has applied for an adoption order relating to a child and any person whose consent to the making of an adoption order relating to the child is necessary and who has agreed to the placing of the child for adoption either—

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(a) fails, neglects or refuses to give his consent, or

(b) withdraws a consent already given,

the applicant for the adoption order may apply to the High Court for an order under this section.

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(2) The High Court, if it is satisfied that it is in the best interests of the child so to do, may make an order under this section—

(a) giving custody of the child to the applicant for such period as the Court may determine, and

(b) authorising the Board to dispense with the consent of the other person referred to in subsection (1) of this section to the making of an adoption order in favour of the applicant during the period aforesaid.

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(3) The consent of a ward of court shall not be dispensed with by virtue of a High Court order under this section except with the sanction of the Court.

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Religion.

4.—An adoption order shall not be made in any case where the applicants, the child and his parents, or, if the child is illegitimate, his mother, are not all of the same religion, unless every person whose consent to the making of the order is required by section 14 of the Principal Act or by section 2 of the Adoption Act, 1964, knows the religion (if any) of each of the applicants when he gives his consent.

40

1964, No. 2.

5.—(1) Notwithstanding anything contained in section 11 of the Principal Act (as amended by section 5 of the Act of 1964), in any case where—

Application
by widower
for adoption
order.

5 (a) a child is in the care of a married couple who have made an application for an adoption order in relation to that child, and

(b) the wife dies before the making of the adoption order,

the Board may make an adoption order relating to that child on the application of the widower: Provided that—

10 (i) the widower has, at the date of his application another child in his custody, and

(ii) every person, whose consent to the making of the adoption order is required by section 14 of the Principal Act or by section 2 of the Act of 1964, knows, when he gives his consent, that the applicant is a widower.

15 (2) In any case where an application for an adoption order is made under this section, any consent given to the making of an adoption order in respect of the child in favour of the married couple shall be disregarded.

20 6.—The Principal Act is hereby amended by the substitution for section 34 of the following section :

Restriction
on making
arrangements
for adoption.

25 “ 34. (1) It shall not be lawful for any body of persons to make or to attempt to make any arrangements for the adoption of a child or, for that purpose, to retain a child in its custody or to arrange to have a child retained by any other person or body.

30 (2) If any person takes any part in the management or control of a body of persons which exists wholly or in part for the purpose of making arrangements for adoption, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

35 (3) In any proceedings under subsection (2) of this section, proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for adoption on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

40 (4) It shall not be lawful for any person to give a child, or to cause a child to be given, to any other person for the purpose of having that child adopted by that other person, or by any other person, unless either the first mentioned person is a parent of the child, or the person who intends to adopt the child is a relative, or the spouse of a relative, of the child.

45 (5) Any person who contravenes subsection (4) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

50 (6) This section does not apply to registered adoption societies or to health boards.”

55 7.—Section 8 of the Principal Act is hereby amended by the insertion after subsection (4) of the following :

Power to
appoint
Deputy
Chairman.

“ (4A) The Government may appoint one of the ordinary members to be Deputy Chairman and the Deputy Chairman may act as chairman in the absence of the Chairman.

60 (4B) A person shall not be appointed Deputy Chairman unless he is qualified to be appointed Chairman.”

Amendment of
section 15 of
Principal Act.

8.—The Principal Act is hereby amended by the substitution for section 15 of the following section :

“ 15. (1) A consent shall not be valid unless it is given after the child has attained the age of six weeks and not earlier than three months before the application for adoption. 5

(2) The Board shall satisfy itself that every person whose consent is necessary and has not been dispensed with has given consent and understands the nature and effect of the consent and of the adoption order.”

Restriction
on making of
adoption
order.

9.—(1) Subject to subsection (2) of this section, an adoption order shall not be made in respect of a child unless the child has been in the care of the applicants for such period (if any) as may be prescribed. 10

(2) The Board may, having regard to the particular circumstances of the case, make an adoption order in respect of a child notwithstanding that the child has not been in the care of the applicants for the period prescribed pursuant to subsection (1) of this section. 15

Amendment of
section 22 of
Principal Act.

10.—Section 22 of the Principal Act is hereby amended by the substitution in subsection (2) for “ The entry shall be in the form set out in the Second Schedule and contain the particulars required by the form ” of “ The entry shall be in the form set out in the Second Schedule, or in such other form as may be approved from time to time by the Minister, with the consent of the Minister for Health, and shall contain the particulars required by such form.” 20

Amendment of
section 3 of
Adoption Act,
1964.

11.—Section 3 of the Adoption Act, 1964, is hereby amended by— 25
(a) the substitution for subsection (1) of the following—

“ (1) Notwithstanding anything contained in section 10 of the Principal Act, where the Board is satisfied that in the particular circumstances of the case it is desirable to do so, it may make an adoption order in respect of a child who was more than seven years of age at the date of the application for the order”, 30
and

(b) the deletion of subsection (3).

Remuneration
of Deputy
Chairman.

12.—The First Schedule to the Principal Act is hereby amended 35
by the insertion after paragraph 5 of the following :

“ Remuneration
of Deputy
Chairman.

There may be paid to the Deputy Chairman, in respect of any period when he acts as chairman, such remuneration as the Minister, with the consent of the Minister for the Public Service, determines.” 40

Repeals.

13.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title,
construction
and collective
citation.

14.—(1) This Act may be cited as the Adoption Act, 1974. 45

(2) The Adoption Acts, 1952 and 1964, and this Act shall be construed together as one.

(3) The Adoption Acts, 1952 and 1964, and this Act may be cited together as the Adoption Acts, 1952 to 1974.

SCHEDULE

Section 13.

REPEALS

Number and year (1)	Short Title (2)	Extent of Repeal (3)
No. 25 of 1952.	Adoption Act, 1952.	In paragraph (b) of section 10, the words "not less than six months and". Section 12. In section 16 (1) (g), the words "recognised by the Constitution". In section 41 (1) (a), the words "under seven years of age".
No. 2 of 1964.	Adoption Act, 1964.	Section 6.

Number and year (1)	Short title (2)	Extent of repeal (3)
No. 22 of 1952	Adoption Act, 1952.	In paragraph (b) of section 10, the words "not less than six months and,"
No. 23 of 1964	Adoption Act, 1964.	Section 12.
		In section 16 (1) (a), the words "incorporated by the Constitution";
		In section 41 (1) (a), the words "under seven years of age";

BILLE

dá ngairtear

BILL

entitled

Acht do leasú agus do leathnú na nAchtanna Uchtála, 1952 agus 1964.

An Act to amend and extend the Adoption Acts, 1952 and 1964.

*Rite ag dhá Theach an Oireachtais,
23 Iúil, 1974*

*Passed by both Houses of the Oireachtas,
23rd July, 1974*

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