



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

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. Appendix A.

Gazettes :
Supplement
No. 3.
1.6.1938
to
20.5.1954

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 ;

- (b) if the document or declaration is executed or made at any place outside the British Commonwealth or the Republic of Ireland, by a British consular officer.
- (3) For the purpose of an application for a licence under section 25 of the Law, a consent executed out of Cyprus in accordance with paragraph 2 of this Rule 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.

Supplement No. 2
 of Gazette No. 1427
 d.d. 24/1/54
 Amended by the
 Adoption (Amendment)
 Court Rules
 1978
Rule 2

PART V.—COSTS AND FEES.

41.—(1) On the determination of an application for an adoption order, and on the making of an interim order, the Court may make such order as to costs as it thinks just, and in particular may order the applicant to pay—
 (a) the out-of-pocket expenses incurred by the guardian *ad litem*,
 (b) the expenses incurred in attending the Court by any person served with a notice under Rule 14,
 or such part of those expenses as the Court thinks proper.
 (2) In proceedings under Part III of these Rules the Court may make such order as to costs as it thinks just.

42. In respect of originating applications under these Rules there shall be charged a fee of ~~one~~ ^{two} pounds, and in respect of other proceedings or matters there shall be charged the fees payable in actions relating to claims exceeding ~~twenty five~~ ^{twenty} pounds, as set out in Appendix A to the Court Fees Order and Rules, 1953 to 1954, or in any subsequent amendment thereof.

Gazettes :
 Supplement
 No. 3 :
 5.11.1953
 20. 5.1954

Advocates' Fees.

See Supplement
 No. 2 of Gazette
 No. 1575
 d.d. 5.1.50

43. Subject to any special order of the Court, the fees to be allowed to advocates as between themselves and their clients in respect of any proceedings under these Rules shall be those laid down in the Civil Procedure Rules for ~~claims exceeding £25 but not exceeding £50.~~
^{claims exceeding £25 but not exceeding £50.}

Application of Civil Procedure Rules.

44. Matters of practice and procedure not expressly provided for in these Rules shall be governed by the Civil Procedure Rules in force for the time being, in so far as they may be applicable.

APPENDIX A.

PART I.—FORM I.

ORIGINATING APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN INFANT.—(Rule 3.)

In the Court of No.

In the matter of the Adoption Law, 1954,
 and

In the matter of A.B. (1) an infant.

[This application must be filed in duplicate, but duplicates of the attached documents need not be filed.]

1. I, the undersigned, C.D./We, the undersigned, C.D. and E.D. desire to adopt A.B., an infant, under the Adoption Law, 1954.
2. I am/We are resident and domiciled in Cyprus.
3. I am unmarried/a widow/widower/I am married to E.D. of /We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.

4. The infant is of the sex and unmarried. He/She was born on the , 19 , and is the person to whom the attached birth certificate (2) relates/was born on or about the , 19 , in (3).

5. The infant is the child/adopted child (2) of—
F.B. of /whose last known address was /
 deceased [and
G.B. of /whose last known address was /
 deceased] (4).

[6. The guardian of the infant is *H.K.* of /The guardians of the infant are *H.K.* of and *J.B.* of] (5).

[7. *L.M.* of is liable by virtue of an order or agreement to contribute to the maintenance of the infant.] (6).

8. I/We attach a document/documents signifying the consent of the said (7) to the making of an adoption order upon my/our application ; [and a certificate as required under s.4 (5) (b) of the Law].

8A. A religious ceremony is/is not necessary under s.4 (5) (b) of the Law.

[9. I/We request the Court to dispense with the consent of the said (8) on the following grounds .]

10. The infant was received into my/our care and possession on the , 19 , from of and has been continuously in my/our care and possession since that date.

11. I/We notified the welfare officer within whose area the infant is resident, namely, Mr./Mrs./Miss , on the , 19 , of my/our intention to apply for an adoption order in respect of the infant.

[12. A certificate as to physical and mental health of the infant, signed by a registered medical practitioner on the , 19 , is attached] (9).

13. I/We have not received or agreed to receive, and no person has made or given or agreed to make or give to me/us, any payment or other reward in consideration of the adoption [except as follows :

].

14. I have not made/Neither of us has made a previous application for an adoption order in respect of the same or any other infant to any Court [except an application made to the Court at on the , 19 , which was dealt with as follows :

].

[15. For the purposes of my/our application reference may be made to N.O. of .] (10).

16. [I/We desire that my/our identity should be kept confidential, and the serial number of this application is] (11) or [I/We do not desire that my/our identity should be kept confidential].

17. Further particulars of myself/ourselves are set out hereunder :—

Particulars of *C.D.*

Name in full [Block capitals]
 Address
 Occupation

Date of Birth
Relationship (if any) to the infant

Particulars of *E.D.*

Name in full [Block capitals]
Address
Occupation
Date of Birth
Relationship (if any) to the infant.

18. If an adoption order is made in pursuance of my/our application it is proposed that the infant should be known as

19. My advocate is _____ of _____ and my
address of service is : _____ (12)

Dated this _____ day of _____, 19 _____

(Usual signature of applicant/applicants.)

Notes :

- (1) Enter the first name(s) and surname as shown in the birth certificate referred to in entry No. 4, if available ; otherwise enter name(s) and surname by which the infant was known before being placed for adoption.
- (2) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the Registers of Births ; and the particulars given in entry No. 5 should relate to the parent or parents by adoption and not to the natural parent or parents.
- (3) Where a birth certificate is not attached, enter the place (including country) of birth if known.
- (4) If the infant is illegitimate, the father's name should not be given in this entry ; but see entry No. 7.
- (5) This entry should be completed only if the infant has a legal guardian other than the father or mother of the infant.
- (6) If the infant is illegitimate, enter the name of any person known to the applicant who has been adjudged by a legitimation order to be the putative father of the infant or who has acknowledged himself to be the father of the infant and agreed to contribute to his or her maintenance.
- (7) The names to be entered here (or in the following entry) are those of the persons named in entries Nos. 5, 6 and 7, and (where the application is made by one of two spouses alone) of the spouse of the applicant.
- (8) This entry should be completed with the name of any of the persons mentioned in the previous note who has not signified his or her consent. See subsections (1) and (2) of s.5 of the Adoption Law, 1954, as to the grounds on which consent may be dispensed with.
- (9) This entry need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by s.2 of the Adoption Law, 1954.
- (10) This entry need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by s.2 of the Adoption Law, 1954. Where it is completed more than one referee may be named if desired.
- (11) If the applicant wishes his name to be kept confidential, insert serial number obtained in pursuance of rule 5 of the Adoption Rules, 1954.
- (12) Delete if no advocate is acting for the applicant.

FORM 2.

CONSENT TO AN ADOPTION ORDER IN RESPECT OF AN INFANT (1).—(Rule 6.)
(Title as in Form 1.)

Whereas an application is to be made [by *C.D./C.D.* and *E.D.*] or [under the serial number _____] (2) ;

[Whereas the said *A.B.* (hereinafter called the infant) is not less than six weeks old, having been born in _____ on the _____, 19____, and is the person to whom the birth certificate (3) now produced and shown to me marked "A" relates] (4) :

I, the undersigned _____ of _____, being (5)—
 the mother (3) of the infant/
 the father (3) of the infant/
 a guardian of the infant/
 a person liable by virtue of any order or agreement to contribute to the maintenance of the infant/
 a person [acting on behalf of a person or authority] having parental rights in respect of the infant/
 the spouse of the said *C.D.*,

hereby state as follows :—

- (1) I understand that the effect of an adoption order is to deprive a parent or guardian of all rights in respect of the maintenance and upbringing of the infant.
- (2) I understand that, when the application for an adoption order in respect of the said *A.B.* is heard by the Court, this document may be used as evidence of my consent to the making of the order unless I have notified the Court that I no longer consent (6).
- (3) I hereby consent to the making of an adoption order in pursuance of the said application [on condition that the religious persuasion in which the infant is brought up is _____.] (7).

(Signature)

Signed at (8) _____ on _____ by the said _____ [who satisfied me that she fully understood the nature of the foregoing statement and was prepared to surrender her child for adoption] (4).

Before me (Signature)

(Address)

(Description) (6)

Notes :

- (1) Insert name as known to the consenting party.
- (2) Where the name of applicant is not known to the consenting party, and a serial number has been obtained for the application under rule 5 of the Adoption Rules, 1954, complete the entry contained in the second square brackets.
- (3) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the Registers of Births; and the description of the consenting party should include the words "by adoption" where appropriate.
- (4) Delete words in square brackets except where the consenting party is the mother of the infant.
- (5) Delete all but one of the descriptions which follow.
- (6) If the consenting party is the mother of the infant, the document will not be admissible as evidence unless the signature is attested by a member of a District Court or by a Judge of a Turkish Family Court (or, if executed abroad, by an officer authorised by rule 40 of the Adoption Rules, 1954). In all cases the document, if so attested, will be admissible without further proof of execution.
- (7) Delete the words in square brackets if the applicant is named, or if, although the applicant is not named, the consenting party does not desire to impose conditions as to religious upbringing.
- (8) Where the document is executed outside Cyprus, attestation in accordance with rule 40 of the Adoption Rules, 1954, has the same effect as attestation by a member of a District Court or by a Judge of a Turkish Family Court.

FORM 3.

UNDERTAKING TO PAY COSTS OF WELFARE OFFICER WHEN ACTING AS
GUARDIAN *AD LITEM*.—(Rule 8.)

(Title as in Form 1.)

In consideration of _____, welfare officer, acting as the guardian *ad litem* of *A.B.*, an infant, I, the undersigned [advocate] (1) hereby, personally [jointly and severally] (2) undertake and agree that as such guardian *ad litem* and as advocate for the said *A.B.* he will duly receive and be paid all costs, charges and expenses which may be earned or incurred by him in relation to such guardianship or the duties thereof.

Dated the _____ day of _____, 19 _____.

Signed _____ (3).

Notes :

- (1) Delete if no advocate is acting for the applicant.
- (2) The words in square brackets are required only if there is more than one partner in the firm of advocates acting for the applicant.
- (3) The undertaking should be signed by the advocate, or by a partner in the firm of advocates, acting for the applicant, or by the applicant if he is acting in person.

FORM 4.

NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN
INFANT. (1)—(Rule 14.)

(Title as in Form 1.)

To _____ of _____.

Whereas an application has been made [by *C.D./C.D.* and *E.D.*] (2) or [under the serial number _____];And whereas _____ of _____ has been appointed guardian *ad litem* of the said infant;

Take notice :

A.—(3) [That the said application will be heard at the _____ Court at _____ on the _____, 19 _____ at the hour of _____ in the _____ noon, and that you may appear to show cause why the adoption order should not be made.]

B.—(3) [That if you do not consent to the making of the order, you should give notice to the Court on or before the _____, 19 _____, in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be used for this purpose.]

[And take notice further that while the said application is pending, a parent or guardian of the infant who has already signified his consent to the making of the adoption order must not, except with the leave of the Court, remove the infant from the care and possession of the applicant. Application for such leave may be made personally to the Court] (4).

Dated the _____ day of _____, 19 _____.

(Seal) _____ Registrar.

The form mentioned above :

To the _____ Court of _____
I have received notice of the application for an adoption order in respect of *A.B.*, _____ an infant.

(a) I consent to the making of this order.

or

(b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(Delete whichever is not applicable).

(Signature)

(Date)

(Address)

(N.B. Persons submitting this part of the form are recommended to present it personally or send it by registered post).

Notes :

- (1) Enter names and surname as shown in the title of Form 1.
- (2) The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in the originating application (entry No. 16). In that case complete the second entry in square brackets.
- (3) Part A should be completed and Part B struck out where the notice is addressed to the Welfare Authority or where the applicant does not desire his identity to be kept confidential (see originating application, entry No. 16). Where a serial number is specified in that entry and the notice is addressed to an individual, Part A must be struck out and Part B completed.
- (4) Delete words in square brackets except where the notice is addressed to a parent or guardian of the infant.

FORM 5.

NOTICE TO APPLICANT THAT THE INFANT'S PRESENCE IS REQUIRED AT THE HEARING.—(Rule 15.)

(Title as in Form 1.)

To _____ of _____
Whereas an application has been made by you for an order under the Adoption Law, 1954, authorising you to adopt the above-named infant ;
And whereas the said application will be heard at the _____ Court
at _____ on the _____, 19____, at the hour of _____ in
the _____ noon ;

Take notice that no order can be made unless the infant is presented at the hearing.

Dated the _____ day of _____, 19____.

(Seal)

Registrar.

FORM 6.

ADOPTION ORDER IN RESPECT OF AN INFANT (1).—(Rule 21.)

(Title as in Form 1.)

Application having been made by C.D., by occupation _____, resident at _____ and domiciled in Cyprus [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the [Adoption Law, 1954] authorising him/her/them to adopt A.B., an infant, the child/adopted child of F.B./F.B. and G.B. ;

And the said A.B. (hereinafter called the infant) being of the _____ sex, and never having been married ;

And the applicant/one of the applicants

having attained the age of twenty-five years and being at least eighteen years older than the infant/

having attained the age of twenty-one years and being a relative of the infant within the meaning of the said Law/

being the mother/father of the infant ;

[And the names by which the infant is to be known being P.D.] (2).

[And it having been proved to the satisfaction of the Court that the infant is identical with *A.B.*, to whom the entry numbered _____ and made on the _____, 19____, in the Register of Births for the district of _____ relates] (3) ;

And the [probable] (4) date of the birth of the infant appearing to be the _____ 19____

[And the infant having been previously the subject of an adoption order dated the _____, 19____, of which particulars are entered in the Adopted Children Register] (5) ;

And all the consents required by the said Law having been obtained or dispensed with ;

It IS ORDERED that the applicant/applicants be authorised to adopt the infant ;

[And the following payment or reward is sanctioned : _____]

[And as regards costs it is ordered that : _____]

And it is directed that the Chief Registrar shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

Cap. 49.

[And it is further directed that the Commissioner of the District concerned shall cause the said entry in the Register of Births to be marked with the word " adopted "] (3).

[And it is further directed that the Chief Registrar shall cause the previous entry in the Adopted Children Register relating to the infant to be marked with the word " Re-adopted "] (5).

Dated the _____ day of _____, 19____.

(Seal)

Registrar.

SCHEDULE.

Date (6) and place of birth of child	Name and surname of child (7). (Read note 7 before making entry.)	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of Court by which made

Notes :

- (1) Enter name(s) and surname as shown in the title of Form 1.
- (2) Delete where there is no change of name.
- (3) Delete this entry—
 - (a) if the infant is not identified with a person whose birth is registered in the Registers of Births in Cyprus ;
 - (b) if the infant has previously been adopted.
- (4) Delete " probable " where the precise date of the infant's birth is proved.
- (5) Delete except where the infant has previously been adopted.
- (6) Where a probable date of birth is specified in the body of the order, enter that date without qualification. If the infant is one of twins, include, if possible, the hour as well as the date of birth.
- (7) Where there is a change, enter only the names by which the infant is to be known. *This is most important as the Adopted Children Register is open to inspection by the public.*

FORM 7.

INTERIM ORDER IN RESPECT OF AN INFANT.—(Rule 21.)

(Title as in Form 1.)

Application having been made by C.D., by occupation
resident at _____ and domiciled in Cyprus
[and E.D. his wife] (hereinafter called the applicant/applicants) for an
order under the Adoption Law, 1954, authorising him/her/them to adopt
A.B., an infant, the child/adopted child of F.B./F.B. and G.B. ;

And the said A.B. (hereinafter called the infant) being of the
sex, and never having been married ;

And the applicant/one of the applicants
having attained the age of twenty-five years and being at least
eighteen years older than the infant/
having attained the age of twenty-one years and being a
relative of the infant within the meaning of the said Law/
being the mother/father of the infant ;

And all the consents required by the said Law having been obtained
or dispensed with ;

IT IS ORDERED that the determination of the application be postponed,
and the custody of the infant be given to the applicant/applicants for a
period ending on the _____ 19 _____, by way of a probationary period,
upon the following terms, namely—

and that the applicant/applicants shall at least two months before that date
apply for the final determination of the application ;

[And as regards costs it is ordered that

]

Dated the _____ day of _____, 19 _____.

(Seal) _____ Registrar.

Delete words in square brackets where inapplicable.

FORM 8.

NOTICE OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER
IN RESPECT OF AN INFANT (1).—(Rule 27.)

(Title as in Form 1.)

To _____ of _____

Whereas an application has been made [by C.D./C.D. and E.D.] (2) or
[under the serial number _____] ;

And whereas _____ of _____
was appointed guardian *ad litem* of the said infant ;

And whereas the determination of the said application was postponed
and an interim order was made by the Court on the _____, 19 _____ ;
Take notice :

A. (3) [That the said application will be further heard before the Court
on the _____, 19 _____, at the hour of _____ in the
noon and that you may appear to show cause why the adoption order should
not be made.]

B. (3) [That if you do not consent to the making of the order, you should give notice to the Court on or before the _____, 19____, in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be used for this purpose.]

Dated the _____ day of _____, 19____.

(Seal) _____ Registrar.

The form mentioned above :

To the _____ Court of _____
I have received notice of the further hearing of the application for an adoption order in respect of *A.B.*, _____ an infant.

(a) I consent to the making of this order.

or

(b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(Delete whichever is not applicable).

(Signature)

(Date)

(Address)

Notes :

- (1) Enter name(s) and surname as shown in the title of Form 1.
- (2) The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in the originating application (entry No. 16). In that case complete the second entry in square brackets.
- (3) Part A should be completed and Part B struck out where the notice is addressed to the Welfare Authority or where the applicant does not desire his identity to be kept confidential (see originating application, entry No. 16). Where the serial number is specified in that entry and the notice is addressed to an individual, Part A must be struck out and Part B completed.

PART II.—FORM 9.

FORM OF NOTICE OF AN APPLICATION FOR A LICENCE UNDER SECTION 25 OF THE ADOPTION LAW, 1954.—(Rule 32.)

To the Registrar of the District Court of _____ /Turkish Family Court of _____

I hereby give notice that I intend to apply for a licence under section 25 of the Adoption Law, 1954, in respect of a male [female] child named _____, aged _____ years, born on the _____ day of _____, 19____.

The child is a British subject and is the subject of arrangements for his [her] adoption as follows (*here set out the arrangements*):

(1) The father of the child is _____ of _____, a _____ subject, aged _____ years.

(1) The mother of the child is _____, of _____, a _____ subject, aged _____ years.

(2) The guardian of the child is _____, of _____, a _____ subject, aged _____ years.

The child is at present in the actual custody of _____ of _____.

(3) The following persons are liable to contribute to the support of the child :

1. _____ of _____ 2. _____ of _____

The person to whom the care and possession of the child is proposed to be transferred is _____, a British subject, resident at _____.

- (4) The following financial arrangements have been made [or are contemplated] in consideration of the transfer of the care and possession of the child (*here set out the arrangements*).

My full name, address and nationality are :—
and I am making this application as (5)

(*Signature of Applicant*)

(*Date*)

-
- (1) If the father or mother is dead, the fact should be stated.
(2) Strike out this paragraph if it does not apply.
(3) If no persons are liable, write "none". If anyone is liable state the reason for the liability.
(4) Give full particulars. If there are no arrangements, write "none".
(5) Insert capacity, i.e. parent, guardian or person concerned in making arrangements for the adoption.

FORM 10.

FORM OF NOTICE OF HEARING.—(*Rule 34.*)

To the applicant for a licence under section 25 of the Adoption Law, 1954 ; [to the child to whom the application relates ;] and to any 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 ;

Take notice that an application by _____ for a licence under section 25 of the Adoption Law, 1954, authorising the care and possession _____ for whose adoption arrangements have been made to be transferred to _____, a British subject, resident abroad at _____, will be heard at _____ on _____ day, the _____ day of 19____, at the hour of _____ in the fore [after] noon, and further take notice that you may attend the hearing of the said application, and may, if you wish, either support or oppose the granting of a licence.

Dated the _____ day of _____, 19____.

Signature of

FORM 11.

FORM OF NOTICE REQUIRING PRODUCTION OF CHILD AT THE HEARING OF AN APPLICATION.—(*Rule 36.*)

To the person or body having the actual custody of the child in respect of whom an application for a licence under section 25 of the Adoption Law, 1954, is to be made :

Take notice that you are required to produce _____, a child in your custody, at the hearing at the _____ Court of _____ on _____ day, the _____ day of _____, 19____, at the hour of _____ in the fore [after] noon of an application by _____ for a licence under section 25 of the Adoption Law, 1954, authorising the care and possession of the said child for whose adoption arrangements have been made to be transferred to _____, a British subject, resident abroad at _____.

Dated the _____ day of _____, 19____.

Signature of Magistrate/Judge

FORM 12.

FORM OF CONSENT TO THE MAKING OF AN APPLICATION.—(Rule 38 (1).)

I, _____, of _____, being (1) the father, mother, guardian person having the actual custody, a person liable to contribute to the support, of the child named _____ with respect to whom application is to be made to the District Court of _____ / Turkish Family Court of _____, by _____, on the _____ day of _____, 19____, for the grant of a licence under section 25 of the Adoption Law, 1954, authorising the care and possession of the said child for whose adoption arrangements have been made to be transferred to _____, a British subject, resident abroad at _____, do hereby declare that I consent to the making of the said application.

In witness whereof I have signed (2) this consent on _____ the day of _____, 19____.

Signature

Declared and signed before me

Signature of Magistrate/Judge.

- (1) Strike out the words which do not apply.
 (2) This declaration is required to be made before and signed in the presence of a member of a District Court or a Judge of a Turkish Family Court. When made out of Cyprus but in a part of the British Commonwealth or the Republic of Ireland, it should be made before and signed by any Judge or Registrar of a Court having civil or criminal jurisdiction. In any other case it should be made and signed before a British Consular officer.

FORM 13.

FORM OF LICENCE.—(Rule 38 (2)).

Whereas application has been made this _____ day of _____, 19____, by _____, of _____, for a licence under section 25 of the Adoption Law, 1954, to authorise the care and possession of _____, a child aged _____ years, born as far as can be ascertained on the _____ day of _____, 19____, to be transferred to _____, a British subject resident abroad, that is to say, at _____.

And whereas I, the undersigned, have heard the said application and am satisfied that all the consents required by section 25 (1) (a) of the said Law have been given or dispensed with, and am further satisfied by the report of _____ that the aforesaid _____ is a suitable person to be entrusted with the care and possession of the said child, and that the transfer is likely to be for the welfare of the said child :

And whereas I am further satisfied that the aforesaid application is made in connection with arrangements which have been made for the adoption of the said child by _____ of _____ :

Now, therefore, I, the undersigned, do hereby grant, subject to the conditions and restrictions set out in the Schedule hereto, this licence authorising the care and possession of the said _____ to be transferred to the said _____, and I do hereby authorise the making and receipt of payments as follows :—

Magistrate/District Judge/President of the District Court of _____

or

Judge of the Turkish Family Court of _____

SCHEDULE.

The conditions and restrictions referred to above are :—

APPENDIX B.

ADDITIONAL MATTERS SUBJECT TO INVESTIGATION AND REPORT BY GUARDIAN
AD LITEM. (Rule 9 (a)).

PART I.—THE APPLICANTS.

1. In the case of a joint application, how long the applicants have been married.
2. In the case of an application by one only of two spouses—
(a) whether the other spouse consents to the application ; and
(b) why he or she does not join in the application.
3. What other children (including adopted children) the applicants have.
4. What is the age and sex of all children living in the home of the applicants, and what is their relationship to the applicants.
5. What number of living rooms and bedrooms are contained in the home of the applicants, and what is the condition of the home.
6. What are the means of the applicants.
7. Whether either of the applicants suffers or has suffered from any serious illness, and whether there is any history of tuberculosis, epilepsy or mental illness in their families.
8. Whether any person specified in the notice of application as a person to whom reference may be made is a responsible person and recommends the applicant without reservation.
9. Whether the applicants understand that an adoption order is irrevocable and that the order if made will render them responsible for the maintenance and upbringing of the infant.

PART II.—THE INFANT.

10. Whether the infant has any right to or interest in any property.
11. Whether the infant (if of an age to understand the effect of an adoption order) wishes the order to be made.
12. Whether an order committing the infant to the care of a relative or other fit person or the Welfare Authority under the Juvenile Offenders Law or for the assumption by such relative, other person or the Welfare Authority of parental rights, is in force in respect of the infant. C. p. 19
49 of 1954.

PART III.—THE PARENTS.

13. Whether the mother consents to the adoption and identifies the birth certificate (if any) attached to the originating application as the birth certificate of the infant.
14. Whether the father consents to the adoption.
15. If the infant is illegitimate, whether a legitimation order has been made under the Wills and Succession Law against any person adjudged to be the putative father of the infant, or an agreement to contribute to the maintenance of the infant has been made by a person acknowledging himself to be the father of the infant, and in either case whether that person consents to the adoption. Cap. 220
5 of 1951.
16. When did the parent or parents part with the infant, and to whom.
17. What are the reasons of the parent or parents for consenting to the adoption, and whether his or their consent is given without pressure from other persons.

ES) LAW.

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(M.P. 867/49.)

954



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3759 OF 20TH MAY, 1954.

SUBSIDIARY LEGISLATION.

No. 320.

THE COURTS OF JUSTICE LAW, 1953 (*Section 78*)

AND

THE CIVIL PROCEDURE LAW, CAP. 7 AND LAW 24 OF 1954
(*Section 13.*)

RULES OF COURT.

R. P. ARMITAGE,
Governor.

In exercise of the powers vested in me by section 78 of the Courts of Justice Law, 1953, and section 13 of the Civil Procedure Law, 1954, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules:—

40 of 1953
Cap. 7
24 of 1954

1. These Rules may be cited as the Court Fees Rules of Court, 1954, and shall be read as one with the Court Fees Order, 1953 (hereinafter referred to as "the Order") and the Order and these Rules may together be cited as the Court Fees Order and Rules, 1953 to 1954.

Gazette:
Suppl. No. 3:
5.11.1953.

2. Appendix A to the Order is hereby amended (a) by the deletion of the words "On sealing any writ of execution" in item 16 and the substitution therefor of the words "On sealing any writ of execution (unless otherwise provided for)"; (b) by the insertion of two new items, to be numbered 16A and 16B, immediately after item 16; and (c) by the deletion of item 27 and the substitution therefor of a new item 27, as set out in the Appendix to these Rules.

Appendix - A
Artic. 16

(273)

Nicosia, Cyprus.