
ADOPTION LAW
CAP. 274

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SCHEDULE 1

A D O P T I O N L A W
C A P . 2 7 4

A Law to provide for the Adoption of Children

Short Title

1. This Law may be cited as the Adoption Law.

PART 1

Preliminary

Interpretation

- 2.—(1) In this Law, unless the context otherwise requires—

“abroad” means outside the Colony;

“adoption order” has the meaning assigned to it by section 3;

“Court” means the District Court of the district where the adopter resides at the time of the application and, where the adopter is of the Moslem faith, the Turkish Family Court of the district where such adopter resides at the time of the application;

“custodian” has the meaning assigned to it by sub-section (3) of section 16;

“father,” in relation to an illegitimate infant, means the natural father;

“guardian,” in relation to an infant, means a person appointed by deed or will or by a Court of competent jurisdiction to be the guardian of the infant;

“infant” means a person under eighteen years of age, but does not include a person who is or has been married;

“interim order” means an order under section 8;

“relative,” in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the half-blood or by affinity, and includes, where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father;

“religious authority” includes any minister of religion of any religious community celebrating under its law and rites an adoption ceremony;

“welfare officer” means a person appointed by the Governor to be a welfare officer under this Law.

(2) For the purposes of this Law, a person shall be deemed to make arrangements for the adoption of an infant if, not being a parent or guardian of the infant, he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise, or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefore, or if he causes another to do so.

PART 2

Adoption Orders

Making of Adoption Orders

Power to make adoption orders

3.—(1) Subject to the provisions of this Law, the Court may, upon an application made in the prescribed manner by a person domiciled in the Colony, or who has been residing in the Colony, or who has been residing in the Colony for the last two years immediately preceding the date of the application, make an order (in this law referred to as an “adoption order”) authorizing the applicant to adopt an infant.

(2) An adoption order may be made on the application of two spouses authorizing them jointly to adopt an infant.

(3) An adoption order may be made authorizing the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

Restrictions on making adoption orders

4.—(1) An adoption order shall not be made in respect of an infant unless the application or, in the case of a joint application, one of the applicants—

- (a) has attained the age of twenty-five and is at least eighteen years older than the infant; or
- (b) has attained the age of twenty-one and is a relative of the infant; or
- (c) is the mother or father of the infant.

(2) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) Except as provided by subsection (2) of section 3, an adoption order shall not be made authorising more than one person to adopt an infant.

(4) Subject to the provisions of section 5, an adoption order shall not be made—

- (a) in any case, except with the consent of every person or body who is a parent or guardian of the infant, or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant;
- (b) on the application of one of two spouses, except with the consent of the other spouse, and except with the consent of the infant.

(5) An adoption order shall not be made unless—

- (a) the infant resides in the Colony;
- (b) where under the law of the religious community of the adopter a religious ceremony is necessary, a certificate from the proper religious authority, to the effect that such a ceremony has been gone through, is produced.

(6) An adoption order shall not be made in respect of any infant unless—

- (a) the infant has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and
- (b) the applicant has, at least three months before the date of the order, notified the welfare officer within whose area he is for the time being resident of his intention to apply for an adoption order in respect of the infant.

Consent to adoption

5.—(1) The Court may dispense with any consent required by paragraph (a) of subsection (4) of section 4 if it is satisfied—

- (a) in the case of a parent or guardian of the infant, that he has abandoned, neglected or persistently ill-treated the infant;
- (b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the infant, that he has persistently neglected or refused so to contribute;
- (c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that this consent is unreasonably withheld.

(2) The Court may dispense with the consent of the spouse of an applicant for an adoption order if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving the consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(3) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the infant) may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is to be brought up) without knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that he does not know that identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(4) While an application for an adoption order in respect of an infant is pending in any Court, any parent or guardian of the infant who has signified his consent to the making of an adoption order in pursuance of the applicant shall not be entitled, except with the leave of the Court, to remove the infant from the care and possession of the applicant; and in considering whether to grant or refuse such leave the Court shall have regard to the welfare of the infant.

Evidence of consent of parent or guardian

6.—(1) Where any person whose consent to the making of an adoption order is required by paragraph (a) of subsection (4) of section 4 does not attend in the proceedings for the purposes of giving it, then, subject to the provisions of subsection (3), a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.

(2) Where any such document is attested by a member of a District Court or a judge of a Turkish Family Court, as the case may be (or, if executed outside the Colony, by a person of any such class as may be prescribed), the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed; and for the purposes of this subsection, a document purporting to be attested as aforesaid 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.

(3) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—

- (a) the infant is at least six weeks old on the date of the execution of the document; and
- (b) the document is attested on that date by a member of a District Court or, by a judge of a Turkish Family Court or, by a person of a class prescribed for the purposes of subsection (2), as the case may be.

Functions of Court as to adoption orders

7.—(1) The Court making an adoption order shall be satisfied—

- (a) that every person whose consent is necessary under this Law, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction.

(2) The Court in an adoption order may impose such terms and conditions as the Court may think fit, and in particular may require the adopter by bond or otherwise to make for the infant such provision, if any, as in the opinion of the Court is just and expedient.

Interim Orders

8.—(1) Subject to the provisions of this section, the Court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the Court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the Court to dispense with any such consent.

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of subsection (6) of section 4.

(4) An interim order shall not be deemed to be an adoption order within the meaning of this Law.

Procedure

9.—(1) Rules in regard to any matter to be prescribed under this Part and dealing generally with all matters of procedure and incidental matters arising out of this part and for carrying this Part into effect shall be made by the Governor with the advice and assistance of the Chief Justice.

(2) Such Rules may provide for the applications for adoption orders being heard and determined otherwise than in open Court.

(3) For the purpose of any application for an adoption order, the Court shall, subject to any Rules under this section, appoint the welfare officer within whose area the applicant or the infant resides to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the Court.

Recognition of Adoption Orders of Republican Courts (a)

9A.—(1) *Without prejudice to Common Law (including private International Law) and subject to the provisions of this Ordinance, any Adoption Order made by a Court of the Republic under the provisions of the Republican law equivalent to this Ordinance or any other Republican law relating to adoption of children, shall be recognised in the Areas as if it had been made under the provisions of this Ordinance and in particular without prejudice to the generality of this subsection shall be valid for all purposes of this Ordinance and the Births and Deaths Registration Ordinance, 1975 (b) and any Statutory Instrument made under the provisions of either of the said Ordinance.*

(2) On the application of any interested party, any Welfare Officer or the Legal Adviser, the Court may declare by Certificate after consideration in Chambers or in open Court as the Court sees fit, and with or without considering any evidence as the Court thinks fit, that a document which purports to be an Adoption Order or a Republican Court or a copy properly certified under Republican law of such an Order, is or is not an Adoption Order

(a) Section 9A inserted by Ordinance 13/1988 – came into force on 20 July 1988

(b) Ordinance 8/1975 as amended

lawfully made under Republican law and thereby recognised or not recognised under the provisions of this Ordinance.

(3) for the purposes of considering any application made under the provisions of this section, the Court may take judicial notice of any Republican Law and accept as authentic the English translation of any Republican law which is published in English by a Republican Authority or any other English translation of such law which is certified as accurate by a Registrar.

(4) For the purposes of this section, “Republican Law” includes any Public Instrument made under any Republican Law, and “English translation of a Republican Law published by a Republican Authority” includes any publication in English by a former Colonial Authority of a Colonial Law or public instrument, adopted as a Republican Law under the provisions of the Constitution of the Republic, and the relevant provisions of the Constitution as published in English which adapt or amend such Colonial Law or public instrument.

Effects of Adoption Order

Rights and duties of parents and capacity to marry

10.—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or guardians of the infant in relation to the future custody, maintenance and education of the infant, including all rights to appoint a guardian and to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid and in respect of the liability of a child to maintain his parents, the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters the spouses shall in respect of the matters aforesaid, and for the purposes of the jurisdiction of any Court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother of the infant and the infant shall stand to them respectively in the same relation as to a lawful father and mother respectively.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

Provisions as to intestacies, wills and dispositions

11.—(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any moveable or immovable property, that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(2) In any disposition of movable or immovable property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order—

- (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;
- (b) any reference (whether express or implied) to the child or children of the adopted person’s natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and
- (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the

person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

Provisions supplementary to section 11

12.—(1) For the purposes of the application of the Wills and Succession Law (a) or any Law amending or substituted for the same, to the devolution of any property in accordance with the provisions of section 11, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

- (a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole brood;
- (b) in any other case, as brother or sister of the half-blood.

(2) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date of an adoption order shall not be treated for the purposes of section 11 as made after that date by reason only that the will or codicil is confirmed by a codicil executed after that date.

(3) Notwithstanding anything in section 11, trustees or personal representatives may convey or distribute any movable or immovable property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of section 11 in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

Registration of Adoption Orders

Adopted Children Register

13.—(1) The Chief Registrar shall maintain at the Supreme Court a register, to be called “the Adopted Children Register” in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the Supreme Court, shall, without any further or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the place of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or place in all respects as if the copy were a certified copy of an entry in the register of births.

(3) The Chief Registrar shall cause an index of the Adopted Children Register to be made and kept in the Supreme Court Registry; and every person shall be entitled to search that index and to have certified copy of any entry in the Adopted Children Register in all respects upon and subject to such terms, conditions and regulations as to payment of fees and otherwise as may be prescribed in the Births and Deaths Registration Law (b).

Registrations of adoption

14.—(1) Every adoption order made by a Court shall contain a direction to the Chief Registrar to make in the Adopted Children Register an entry in the form set out in the Schedule and, subject

(a) Cap. 195
(b) Cap. 275

to the provisions of subsection (2), shall specify the particulars to be entered under the headings in columns 2 to 6 of the Schedule.

(2) For the purposes of compliance with the requirements of subsection (1)—

- (a) where the precise date of the infant's birth is not proved to the satisfaction of the Court, the Court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;
- (b) where the name or surname which the infant is to bear after the adoption differs from his original name or surname, the new name or surname shall be specified in the order instead of the original;

and where the place of birth of the infant is not proved to the satisfaction of the Court, the particulars of that place may, notwithstanding anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.

(3) Where upon any application to a Court for an adoption order in respect of an infant there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the register of births relates, any adoption order made in pursuance of the application shall contain a direction that the entry in the register of births to be marked with the word "Adopted".

(4) Where an adoption order is made by a Court in respect of an infant who has previously been the subject of an adoption order made by such a Court under this Law, the order shall contain a direction that the entry in the Adopted Children Register be marked with the word "Re-adopted".

(5) Where an adoption order is made by a Court, the Registrar of the Court shall cause the order to be communicated to the Chief Registrar and upon receipt of such communication the Chief Registrar shall cause compliance to be made with the directions contained in the order.

Amendment of orders and rectification of Registers

15. The Court by which an adoption order has been made under this Law may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein; and where an adoption order is so amended, the Registrar of the Court shall cause the amendment to be communicated to the Chief Registrar; and any necessary correction of or addition to the Adopted Children Register shall be made accordingly.

PART 3

Supervision by Welfare Officer

Application of Part 3

16.—(1) Subject to subsection (4), this Part shall have effect where—

- (a) arrangements are made for the placing of an infant in the care and possession of a person who is resident in the Colony and is not the parent or guardian or a relative of the infant; and
- (b) any person, not being the parent or guardian of the infant or the person in whose care and possession he is to be placed, participates in the making of the arrangements.

(2) For the purposes of this Part a person shall be deemed to participate in the making of arrangements for the placing of an infant in the care and possession of another person—

- (a) if he enters into or makes any agreement or arrangement for, or for facilitating, the placing of the infant in the care and possession of that other person; or
- (b) if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangements therefore,

or if he causes another to do so.

(3) The person in whose care and possession an infant is or is to be placed in pursuance of such arrangements as aforesaid, or by whom such a notice is aforesaid is given in respect of an infant, is in this Part referred to as “the custodian of the infant”.

(4) This Part shall not have effect by virtue of subsection (1) where possession of an infant is or is proposed to be taken—

- (a) by any person for a temporary purpose only; or
- (b) in relation to a child on whom a supervision order or a probation order was made.

(5) Where this Part has taken effect in relation to an infant, it shall cease to have effect—

- (a) if an adoption order or an interim order is made in respect of him, upon the making of that order;
- (b) if no such order has been made, on the date on which he attains the age of eighteen.

Notification of taking possession of infant

17.—(1) Not less than seven days before possession is taken of an infant pursuant to any arrangements by virtue of which this Part has effect in relation to the infant, any person who participates in the arrangements, not being the parent or guardian of the infant or the custodian of the infant, shall give notice in writing of the arrangements to the welfare officer for the area in which the custodian resides.

(2) The notice required by this section shall state that name and sex of the infant, the date and place of the infant’s birth, and the name and address of the custodian of the infant.

Notification of change of residence, etc.

18.—(1) Where the custodian of an infant in relation to whom this part has effect changes his residence while the infant in his care and possession, he shall give to the welfare office notice of the change at least seven days before doing so.

(2) Where the residence to which the custodian of the infant moves is situated in the area of another welfare officer, he shall, at least seven days before moving there, give to the welfare officer the like notice as is required by subsection (1).

(3) Where an immediate change of residence is necessitated by any emergency, the foregoing provisions of this section shall be deemed to have been complied with if any notice required thereunder is given at any time within forty-eight hours after the change of residence.

(4) If an infant in relation to whom this part has effect dies while in the care and possession of his custodian—

- (a) the custodian shall, within twenty-four hours of the death, give notice in writing of the death to the welfare officer and to the coroner of the district in which the body of the infant lies; and
- (b) the coroner shall hold an inquest thereon, unless there is produced to him a certificate of a registered medical practitioner certifying that that practitioner has personally attended the infant during his last illness and certifying also the cause of death , and the coroner is satisfied that there is no ground for holding an inquest.

Summary orders for removal of infants subject to Part 3

19.—(1) If an infant in relation to whom this Part has effect—

- (a) is about to be received or is being kept by any person in any premises which are overcrowded, unsanitary or dangerous, or in an environment which is detrimental to the infant; or
- (b) is in the care and possession of a custodian who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of the infant,

the Court may, on the application of the welfare officer, make an order for the removal of the infant to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(2) An order made under this section may be enforced by a welfare officer; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such welfare officer in the enforcement of the order, shall be guilty of an offence.

Appointment and functions of welfare officers

20.—(1) The Governor shall appoint a sufficient number of proper persons to be welfare officers who shall perform the functions provided by this Law and shall determine for each such officer an area within which such officer may function.

(2) It shall be the duty of a welfare officer to visit and examine infants in relation to whom this part has effect who are in the care and possession of custodians residing in the area of such officer and the premises in which those infants are being kept.

(3) If any such officer is refused admission to any premises in which he has reason to believe that an infant in relation to whom this Part has effect is being kept, he may apply to the Court; and the Court, if satisfied on sworn information in writing that admission has been refused and that there is reasonable ground for believing that such an infant is being kept on the premises, may grant a warrant authorising the officer to enter the premises.

(4) Any person who refuses to allow a welfare officer to make a visit or examination in accordance with subsection (2), or who obstructs any such welfare officer acting in pursuance of a warrant granted under subsection (3), shall be guilty of an offence.

Offences under Part 3

21. Any person who fails to comply with a any of the requirements of this Part, or who commits any other offence thereunder, shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both; and the Court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restores to his parents or guardian or until other arrangements can be made for him.

PART 4

Miscellaneous and General

Prohibition of certain payments

22.—(1) It shall not be lawful for an adopter, or for a parent or guardian of an infant, to receive, except with the sanction of the Court, any payment or other reward in consideration of the adoption of the infant under this Law, or for any person to make or give or agree to make or give to an adopter, parent or guardian any payment or reward the receipt of which is prohibited by this subsection.

(2) Any person who, in connection with the arrangements by virtue of which Part 3 has effect in relation to an infant, gives or receives, or agrees to give or receive, any remuneration or reward whatsoever shall be guilty of an offence under Part 3.

(3) Subject to the provisions of subsection (4), any person who makes arrangements for the adoption of an infant and receives or makes, or agrees to receive or make, any payments or reward whatsoever in connection with the making of the arrangements shall be liable to imprisonment not exceeding one year or to a fine not exceeding two hundred pounds or to both.

(4) The provisions of subsection (3) shall not apply—

(a) to any payments the making or receipt of which is sanctioned by the Court to which an application for an adoption order in respect of an infant is made;

- (b) to any payments the making or receipt of which is authorised by a licensing authority under subsection (3) of section 25.

Restriction upon advertisements

23.—(1) It shall not be lawful for any advertisement to be published indicating—

- (a) that the parent or guardian of an infant desires to cause the infant to be adopted; or
- (b) that a person desires to adopt an infant; or
- (c) that any person is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable to a fine not exceeding fifty pounds.

Restriction on sending infants abroad for adoption

24.—(1) It shall not be lawful for any person, in connection with any arrangements made for the adoption of an infant who is a British subject, to permit, or to cause or procure, the care and possession of the infant to be transferred to a person who is not a British subject of the guardian or a relative of the infant and who is resident abroad.

(2) It shall not be lawful for any person, in connection with any such arrangements as aforesaid, to permit, or to cause or procure, the care and possession of such an infant as aforesaid to be transferred to a person who is a British subject resident abroad and who is not a guardian or a relative of the infant, unless a licence has been granted in respect of the infant under section 25.

(3) Any person who contravenes the provisions of this section shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both.

(4) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in the Colony, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed and such report or deposition.

Licence to send infant abroad for adoption

25.—(1) A licensing authority within the meaning of this section may grant a licence in the prescribed form, and subject to such conditions and restrictions as the licensing authority thinks fit, authorising the care and possession of an infant for whose adoption arrangements have been made to be transferred to a British subject resident abroad; but subject to the provisions of this section no such licence shall be granted unless the authority—

- (a) is satisfied that the application is made by or with the consent of every person or body who is a parent or guardian of the infant in question, or who has the actual custody of the infant, or who is liable to contribute to the support of the infant; and
- (b) is satisfied by a report of a British consular officer or any other person who appears to the authority to be trustworthy that the person to whom the care and possession of the infant is proposed to be transferred is a suitable person to be entrusted therewith, and that the transfer is likely to be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant.

(2) The licensing authority may dispense with any consent required by paragraph (a) of subsection (1) if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the infant or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the infant, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the authority and in all the circumstances of the case, to be dispensed with.

(3) Where a licensing authority grants a licence under this section, the authority may authorise the making or receipt by any person of any payments in consideration of the transfer of the care and possession of the infant in respect of whom the licence is granted.

(4) The Governor with the advice and assistance of the Chief Justice may make Rules with respect to the application for and grant of licences under this section.

(5) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in the Colony, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed such report or deposition.

(6) For the purposes of this section the licensing authority shall be a member of the District Court, as the case may be, within whose jurisdiction the infant in respect of whom the application for a licence is made resides.

Offences by a body corporate

26. Where any offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Certificate of adoption

27.—(1) Any religious authority shall, immediately upon the celebration of an adoption ceremony, sign and deliver the adopter a certificate to the effect that such ceremony was celebrated by it on the day therein stated in accordance with the laws and rites of the religious community concerned.

(2) Any religious authority who, without reasonable excuse, fails to comply with the provisions of subsection (1) shall be liable to a fine not exceeding ten pounds.

No adoption valid except if made under this Law

28. No adoption shall be valid and have any effect unless made in accordance with the provisions of this Law.

Service of notices

29. Any notice under this Law may be served by post.

Provisions as to existing *de facto* adoptions

30. Where at the date of commencement of this Law any person has been brought up, maintained and educated by any person or two spouses jointly as his, her or their own child under any *de facto* adoption, the Court may, upon the application of such person or spouses, made within two years from the date of the commencement of this Law, and notwithstanding anything contained in paragraph (b) of subsection (5) of section 4 and that the applicant is a male and the person concerned a female, make an adoption order authorising him, her or them to adopt the person without requiring the production of any certificated required under paragraph (b) of subsection (5) of section 4 and the consent of any parent or guardian of the person to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable that no such certificate and consent be required and that an adoption order should be made.

SCHEDULE 1

(Section 14)

Form of Entry in Adopted Children Register

| (1) | (2) | (3) | (4) |
|---|---|---------------------------|---|
| No. of entry | Date of birth of child | Name and Surname of child | Sex of child |
| | | | |
| (5) | (6) | (7) | (8) |
| Name and surname, address and occupation of adopter or adopters | Date of adoption order and description of Court by which made | Date of entry | Signature of officer deputed by Chief Registrar to attest the entry |
| | | | |