



ADOPTION OF CHILDREN
(AMENDMENT)
LAW, No. 6 OF 1977
OF
THE NATIONAL STATE ASSEMBLY

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*Adoption of Children (Amendment) Law,
No. 6 of 1977*

L.D.—O. 47/76.

A LAW TO AMEND THE ADOPTION OF CHILDREN
ORDINANCE.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Adoption of Children (Amendment) Law, No. 6 of 1977, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. Section 3 of the Adoption of Children Ordinance (hereinafter referred to as the "principal enactment"), is hereby amended by the repeal of subsection (6) of that section, and by the substitution therefor, of the following subsection:—

Amendment of
section 3 of
Chapter 81.

"(6) An adoption order shall not be made in favour of any applicant who is not resident and domiciled in Sri Lanka or in respect of any child who is not so resident:

Provided that an adoption order may be made in favour of an applicant who is not domiciled in Sri Lanka where after calling for, and considering, a report from the Commissioner of Probation and Child Care Services on the social and psychological aspects of the adoption to be authorized and on the matters specified in section 4, the court is satisfied that there are special circumstances that justify the making of such an adoption order. In submitting his report to court, the Commissioner shall annex to such report a home-study report in respect of the applicant from an institution recognized by the country of the applicant and authenticated by the accredited representative for the Republic of Sri Lanka in that country.

In this subsection a "home-study report" means a report on the mental health of the applicant, on his social, religious and financial background and on his suitability to adopt a child."

Amendment of
section 10
of the
principal
enactment.

3. Section 10 of the principal enactment is hereby amended by the repeal of subsections (4) and (5) of that section and the substitution therefor, of the following subsections:—

(4) Every court which makes an adoption order shall cause the adoption order to be communicated to the Registrar-General, and upon receipt of such communication the Registrar-General shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the registers of births with the word "Adopted" and in regard to making the appropriate entry in the Adoption Register, and the Registrar-General or an officer authorized by him in that behalf shall authenticate such marking of any entry in the register of births.

(5) (a) Where after an entry has been made in the Adoption Register in accordance with the directions of an adoption order, the name of the adopted child or the name or the names of the adopters of that child has or have been altered, the adopted child, if over the age of twenty-one years, or the adopter or adopters may make a written application to the Registrar-General in the prescribed form for an order directing the alteration of the particulars in the register relating to the name of the adopted child, the name or names of the adopters, as the case may be.

(b) On an application made under paragraph (a), the Registrar-General may after inquiry held by him or by an officer authorized by him in that behalf, direct the alteration of the particulars of the entry in the Adoption Register in terms of the application and accordingly shall make or cause such alteration to be made.

(c) The Registrar-General or any officer authorized by him in that behalf may correct any clerical error which may at any time be discovered in any entry made in the Adoption Register.

(d) Where the Registrar-General is satisfied on a written declaration made to him in the prescribed form by an adopted child, if over the age of twenty-one years, or the adopter or adopters of that child that there is any error in any particulars in an entry in the Adoption Register relating to any matter of fact or substance, in respect of such adopted child,

the Registrar-General or any officer authorized by him in that behalf may cause the error to be corrected by any entry made under his hand in the margin of the register.'

4. The following new sections are hereby inserted immediately after section 10, and shall have effect as sections 10A and 10B, of the principal enactment :—

Quarterly
return.

10A. (1) Every court empowered to make an adoption order shall cause to be transmitted to the Registrar-General a return (hereinafter referred to as the "quarterly return"), of all adoption orders made by that court during each period of three months.

(2) The first quarterly return of any year shall be for the period commencing on the first day of January of that year and the remaining quarterly returns for that year shall be for the periods commencing on the first day of April, July and October of that year and the quarterly return for any such period shall be transmitted to the Registrar-General not later than fifteen days after the expiration of that period.

(3) Every such return shall contain the following particulars:—

- (a) the name of the court;
- (b) the number and the date of each application in which an adoption order has been made;
- (c) the name of the adopter or the names of the joint adopters in each such adoption order;
- (d) the name of the adopted child in each such adoption order; and
- (e) the date on which each such adoption order was communicated to the Registrar-General.

(4) If no adoption order has been made by any such court during any period for which a quarterly return has

Insertion of
new sections
10A and 10B
in the
principal
enactment.

to be transmitted, such court shall transmit to the Registrar-General a nil return for that period not later than fifteen days after the expiration of that period.

Re-registration
of the
birth of
an adopted
child.

10B. (1) Where a court makes an adoption order authorizing two spouses jointly to adopt a child (whether such adoption order has been made before or after the coming into operation of this section) such spouses may, notwithstanding the fact that the birth of that child has been previously registered under the Births and Deaths Registration Act, make a written declaration in the prescribed form to the Registrar-General for the re-registration of the birth of that child by the insertion of the names of such spouses as the natural parents of that child. Every such declaration shall bear a stamp to the value of five rupees.

(2) On receipt of a declaration under subsection (1), the Registrar-General shall, if he is satisfied that the declarants have been authorized by a court to adopt the child in respect of whom such declaration has been made, cause that birth to be re-registered in the manner prescribed.

(3) The provisions of sections 27, 27A, 28, 52, 56 and 57 of the Births and Deaths Registration Act, shall apply to a birth re-registered under subsection (2) in like manner as they apply to a birth registered under the Births and Deaths Registration Act.

(4) Where the birth of an adopted child has been re-registered in accordance with the preceding provisions of this section, the Registrar-General shall cause the relevant entry in the Adoption Register in respect of that child to be marked with the words "Birth Re-registered" and such other particulars relating to the re-registration of that birth as may be prescribed.

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5. Section 11 of the principal enactment is hereby repealed and the following section is substituted therefor:—

Replacement
of section 11
of the
principal
enactment.

"Adoption
Register
not open
for public
inspection
or search.

11. (1) The Adoption Register and the index kept under section 10 shall not be open for public inspection or search.

(2) The Registrar-General may, in the case of an adopted child whose birth has not been re-registered under this Ordinance, furnish any person with any information contained in the Adoption Register and the index kept under section 10 or with any copy of or extract from any such register or index and, in the case of an adopted child, whose birth has been re-registered under this Ordinance, the Registrar-General shall not furnish any such information, copy or extract except under an order of court.

(3) The provisions of section 56 of the Births and Deaths Registration Act relating to the demand and issue of certified copies or certified extracts of entries and to the stamps to be supplied in respect of such copies or extracts shall apply to the demand, issue and stamping of certified copies or certified extracts under subsection (2), as if the Adoption Register and the index kept under section 10 were books kept by the Registrar-General under the Births and Deaths Registration Act."

6. The following new sections are hereby inserted immediately after section 16, and shall have effect as sections 16A and 16B, of the principal enactment:—

Insertion of
new sections
16A and 16B
in the
principal
enactment.

"Replacement
of damaged
or lost
entries in
the Adoption
Register.

16A. If any Adoption Register or any entry in that register is lost or damaged, the Registrar-General may, after inquiry, direct a copy thereof to be made, verified and certified in such manner as he may direct and thereupon such copy shall be substituted for and shall for all the purposes of this Ordinance and every other written law be deemed to be the register or the entry so damaged or lost.

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Regulations.

16B. (1) The Minister may make regulations for or in respect of any matter stated or required in this Part to be prescribed, and generally for the purpose of carrying out and giving effect to the provisions of this Part.

(2) Every regulation shall be published in the *Gazette* and shall come into operation upon such publication or on such later date as may be specified in such regulation.

(3) Every regulation shall as soon as convenient after its publication in the *Gazette* be brought before the National State Assembly for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is so deemed to be rescinded shall be published in the *Gazette*."

Amendment of
section 17
of the
principal
enactment.

7. Section 17 of the principal enactment is hereby amended as follows:—

(a) in the definition of "guardian" in that section by the substitution, for the fullstop at the end of that definition, of a semicolon ; and

(b) by the addition, at the end of that section, of the following new definition :—

" "prescribed" means prescribed by regulation."