



**THE ADOPTION BILL**  
**2004**





# **THE ADOPTION BILL 2004**

**A**  
**BILL**  
**Entitled**

**AN ACT** TO MAKE PROVISIONS FOR THE ADOPTION OF  
CHILDREN IN SOLOMON ISLANDS.

**ENACTED** by the National Parliament of Solomon Islands.

**THE ADOPTION BILL 2004**

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## PART I

## Preliminary

Short title  
and  
commencement

✓ 1. This Act may be cited as the Adoption Act 2004, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Interpretation

↓ 2. (1) In this Act, unless the context otherwise requires -

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

“court” means the High Court having jurisdiction to make adoption orders;

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

“guardian”, in relation to an infant, means a person appointed by a court of competent jurisdiction to be the guardian of the infant or a person who has right to custody of the infant in custom, as the case may be;

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

“local authority” means the Provincial Executive or Honiara Municipal Authority, as the case may be;

“prescribed” means prescribed by regulations made by the Minister;

“relative”, in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half blood or by affinity, and includes -

(a) Where an adoption order has been made in respect of the infant or any other person under any law any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock; and

(b) where the infant is illegitimate, the father of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father.

(2) For the purpose of this Act, a person shall be deemed to make arrangements for the adoption of an infant or to take part in arrangements for the placing of a child in the care or possession of another person, if (as the case may be) -

(a) he enters into or makes any agreement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, pursuant of an adoption order or otherwise; or

(b) he enters into or makes any agreement or arrangement for, or facilitates, the placing of the child in the care or possession of that other person,

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 therefor, or if he causes another to do so.

## PART II

## ADOPTION ORDERS

*Making of adoption orders*

Power to make  
adoption order

3. (1) Subject to the provisions of this Act, the High Court may, upon an application made in the prescribed manner by a person domiciled in Solomon Islands, make an order (in this Act 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 authorising them jointly to adopt an infant; but an adoption order shall not in any other case be made authorising more than one person to adopt an infant.

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

(4) An adoption order may be made in respect of an infant who has already been the subject of an adoption order under the Adoption Act 1958 of the United Kingdom; and in relation to an application for an adoption order in respect of such an infant, the adopter or adopters under the previous or last previous adoption order shall be deemed to be parent or parents of the infant for all the purposes of this Act.

(5) An adoption order shall not be made in Solomon Islands unless the applicant and the infant reside in Solomon Islands, subject however to section 12 of this Act.

Age and sex of  
applicant

4. (1) Subject to subsection (2) of this section, an adoption order shall not be made in respect of an infant unless the applicant -

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



(2) An adoption order may be made in respect of an infant on the joint application of two spouses -

(a) if either of the applicants is the mother or father of the infant; or

(b) if the condition set out in paragraph (b) or paragraph (c) of subsection (1) of this section is satisfied in the case of one of the applicants, and the other of them has attained the age of twenty-one years.

(3) 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.

5. (1) An adoption order shall not be made in respect of any infant unless he has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order, not counting any time before the date which appears to the court to be the date on which the infant attained the age of six weeks.

Care and possession of infants before adoption, and notification of local authority

(2) Except where the applicant or one of the applicants is a parent of the infant, an adoption order shall not be made in respect of an infant, who at the hearing of the application is below the upper limit of the compulsory school age prescribed under the Education Act, unless the applicant has, at least three months before the date of the order, given notice in writing to the local authority within whose area he was then resident of his intention to apply for an adoption order in respect of the infant.

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6. (1) Subject to section 7 of this Act, an adoption order shall not be made - Consent

(a) in any case, except with the consent of every person who is a parent, or guardian of the infant; and

(b) on the application of one of two spouses, except with the consent of the other spouse.

(2) 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 proposed to be brought up) without knowing the identity of the applicant for the order.

Power to  
dispense with con-  
sent

7. (1) The court may dispense with any consent required by paragraph (a) of subsection (1) of section 6 of this Act, if it is satisfied that the person whose consent is to be dispensed with -

(a) has abandoned, neglected or persistently ill-treated the infant;

(b) cannot be found or is incapable of giving his consent or is withholding his consent unreasonably; or

(c) is certified to be insane by a qualified medical practitioner.

(2) If the court is satisfied that any person whose consent is required by the said paragraph (a) has persistently failed without reasonable cause to discharge the obligations of a parent or guardian of the infant, the court may dispense with his consent whether or not it is satisfied of the matters mentioned in subsection (1) of this section.

(3) Where a person who has given his consent to the making of an adoption order without knowing the identity of the applicant ~~therefor~~ subsequently withdraws his consent on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

therefor

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

Evidence of con-  
sent of  
parent or guardian

8. (1) Where a parent or guardian of an infant does not attend the proceedings on an application for an adoption order for the purpose of giving his consent to the making of the order, then, subject to subsection (2) of this section, 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; and where any such document is attested as mentioned in subsection (3) of this section, it shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed.

(2) 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 as mentioned in subsection (3) of this section.

(3) A document attested as mentioned in this subsection shall, if the document is executed in Solomon Islands be attested by a magistrate, commissioner of oaths or legal practitioner; or if it is executed outside Solomon Islands be attested by a person of any such class as may be prescribed.

(4) For the purposes of this section a document purporting to be attested as mentioned in subsection (3) of this section shall be deemed to be so attested, and to be executed and attested on the date and at the place specified in the document, unless the contrary is proved.

✓ 9. (1) The court before making an adoption order shall be satisfied -

(a) that every person whose consent is necessary under this Act, 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 of his parental rights:

Functions of court  
as to adoption  
orders

(b) that the order if made will be for the welfare 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) In determining whether an adoption order if made will be for the welfare of the infant, the court shall have regard, inter alia to the health of the applicant, as evidenced, in such cases as may be prescribed, by the certificate of a fully registered medical practitioner, and shall give due consideration to the wishes of the infant, having regard to his age and understanding.

(3) 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  
order

✓ 10. (1) Subject to the provision of this section, the court may, upon any application for an adoption order; where it deems it necessary, 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 <sup>consents</sup> ~~contents~~ 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 unlawful by virtue of section 5 of this Act.

(4) Where an interim order has been made giving the custody of an infant to the applicant for a period of less than two years, the court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order

as varied under this subsection shall not exceed two years.

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

✓ 11. (1) An application for an adoption order may be made to the High Court.

Jurisdiction  
and  
procedure

an adoption order  
✓ (2) For the purpose of any application in Solomon Islands for ~~adoption an order~~, the court shall, subject to such regulations that may be made by the Minister, appoint some person to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safe-guarding the interests of the infant before the court.

✓ 12. (1) An adoption order may, notwithstanding anything in this Act, be made by application to the High Court by a person who is not ordinarily resident in Solomon Islands; and in relation to such an application -

Modification of fore-  
going  
provisions in the  
case of applicants  
not ordinary  
resident in  
Solomon  
Islands

(a) subsection (5) of section 3 of this Act does not apply;

(b) subsection (2) of section 5 of this Act applies with the substitution of the word "living" for the word "resident".

(2) Where an application for an adoption order is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Solomon Islands, the notice required by subsection (2) of section 5 of this Act (as modified by subsection (1) of this section) may be given by either of the applicants; and the provisions of subsection (1) of that section shall be deemed to be complied with if they are complied with in the case of one of the applicants and the applicants have been living together in Solomon Islands for at least one of the three months mentioned in that subsection.

(3) This section does not affect the construction of subsection (1) of the said section 5 in this application to any joint application to which subsection (2) of this section does not apply.

PART III  
Effect of adoption orders

Rights and duties of  
parents and capacity  
to marry .

13. (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 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 matter aforesaid, and for the purpose 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 in the same relation as to lawful father and mother.

(3) For the purpose of the law relating to marriage, an adopter and the person who 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.

Affiliation orders,  
etc.

14. (1) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the adopter is his mother and the mother is a single woman, any affiliation order or decree of affiliation and aliment in force with respect to the infant, and any agreement whereby the father of the infant has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order, decree or agreement at the date of the adoption order.

(2) After an adoption order has been made in respect of an infant who is illegitimate, no affiliation order or decree of affiliation and aliment shall be made with respect to the infant unless the adoption order was made on the application of the mother of the infant alone.

15. Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate the movable and immovable property of the adopter shall devolve in all respect in accordance with the provisions of Part VIII of the Wills, Probate and Administration Act.

Intestacies, wills and settlements

Cap 33

16. (1) For the purposes of the application of the Wills, Probate and Administration Act, to the devolution of any property and for the purposes of the construction of any disposition 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 -

Provisions supplementary to s.15

(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 blood; and

(b) in any other case, as brother or sister of the half-blood.

(2) A disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Trustees or personal representatives may convey or distribute any real or personal 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 may 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 the last foregoing section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order, in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.

17. (1) Subject to subsection (2), where an adoption order is made in respect of an infant who is not a citizen of Solomon Islands, if the adopter, or in the case of a joint adoption one of the adopters is a citizen of Solomon Islands, the infant shall be a citizen of Solomon Islands as from the date of the order.

Citizenship

(2) Where an adoption order is to be made pursuant to subsection (1), the court may cause to be made such inquiries so as to satisfy itself that the infant in respect of whom the adoption order is to be made has in fact on the date of the application, and has been during a considerable period immediately prior to that date been in the lawful custody of the applicant or adopter.

PART IV  
Registration

Adopted  
Children  
Register

18. (1) The Registrar General shall maintain at the office of 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 an entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the Registrar General's office, 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 country or the district and sub-district of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or district and sub-district in all respects as if the copy were a certified copy of an entry in the Registers of Births.

(3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in the ~~General Register Office~~ Registrar General's Office, and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Act, in respect of searches in other indexes kept in the Registrar General's Office and in respect of the supply from that office of certified copies of entries in the certified copies of the Registers of Births and Deaths.

Cap 168

(4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Registers of Births which has been marked "Adopted" pursuant to the next following section or any law at the time in force, and any corresponding entry in the Adopted Children Register.

(5) The registers and books kept under subsection (4) of this section shall not be, nor shall any index thereof be, open to public inspection or



search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from such registers or books except under an order of the High Court.

✓ 19. (1) Every adoption order made by the High Court shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set out in the Schedule to this Act, and (subject to the next following subsection) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule. Registration of adoption

(2) For the purposes of compliance with the requirements of the last foregoing subsection -

(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 country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within Solomon Islands, he shall be treated as having been born in Solomon Islands, and in any case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register,

and the name to be specified in the order as the name and surname of the infant shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

(3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the Schedule to this Act shall include, in the case of an infant born in Solomon Islands the registration province in which the birth took place; and where the infant was born in Solomon Islands but the registration district in which the birth took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of paragraph (b) of subsection (2) of this section as born in Solomon Islands, he shall be treated for the purposes of this subsection as born in the province in which the court sits.

(4) Where upon any application to the High Court in Solomon Islands for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by the High Court under this Act or any law at the time in force) there is proved to the satisfaction of the

court the identity of the infant with a child to whom an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word "Adopted".

(5) Where an adoption order is made by the High Court the prescribed officer of the court shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

Amendment of  
orders and  
rectification of  
Registers

√ 20. (1) Where an adoption order has been made, the High Court 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 may -

(a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name has been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name in those particulars, as the case may require:

(b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Registers of Births, or the Adopted Children Register included in the order in pursuance of subsection (4) of this Act was wrongly so included, revoke that direction.

(2) Where an adoption order is amended or a direction revoked under subsection (1) of this section, the prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar who shall as the case may require -

(a) cause the entry in the Adopted Children Register to be amended accordingly; or

(b) cause the marking of the entry in the Registers of Births or the Adopted Children Register to be cancelled.

(3) Where an adoption order is quashed or an appeal against an adoption allowed by any court, the court shall give directions to the Registrar General to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register or the Registers of Births, as the case may be, which was effected in pursuance of the order.

(4) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section 18 of this Act shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

## PART V

### Legitimation following adoption

21. (1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

Legitimation: revocation of adoption orders and cancellations in Registers

(2) Where an adoption order is revoked under this section, the prescribed officer of the court shall cause the revocation to be communicated in the prescribed manner to the Registrar General, who shall cause to be cancelled, the entry, and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

## PART VI

CARE AND POSSESSIONS OF INFANTS  
AWAITING ADOPTION

Restriction on  
removal by  
parent or  
guardian after  
giving consent

✓ 22. While an application for adoption order in respect of an infant is pending in the court, a parent or guardian of the infant who has signified his consent to the making of an adoption order in pursuance of the application 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.

Prohibition of  
certain  
payments

✓ 23. (1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of -

(a) the adoption by that person of an infant;

(b) the grant by that person of any consent required in connection with the adoption of an infant;

(c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant; or

(d) the making by that person of any arrangements for the adoption of an infant.

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such reward, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars 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 restored to his parents or guardian or until other arrangements can be made for him.

✓ 24. (1) It shall not be lawful for any advertisement to be published indicating - **Restriction upon advertisement**

(a) that the parent or guardian of an infant; or

(b) that a person desires to adopt an infant; or

(c) that any person (not being a registered adoption society or a local authority) 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 on summary conviction to a fine not exceeding one thousand dollars.

✓ 25. (1) Except under the authority of an order under section 26 of this Act, it shall not be lawful for any person to take or send an infant who is a Solomon Islander to any place outside Solomon Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or relative of the infant; and any person who takes or sends an infant to any person for that purpose, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both. **Restriction on removal of infants for adoption outside Solomon Islands**

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

✓ 26. (1) If the court is satisfied, upon an application being made by a person who is not domiciled in Solomon Islands, that the applicant intends to adopt an infant under the law of or within the country in which he is domiciled and for that purpose desires to remove the infant from Solomon Islands either immediately or after an interval, the court may, **Provisional adoption by persons domiciled outside Solomon Islands**

subject to the provisions of this section, make an order (in this section referred to as "a provisional adoption order") authorising the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his adoption as aforesaid.

(2) A provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under Part II of this Act, but shall not be made in any other case.

(3) Subject to the provision of this section, the provisions of this Act, other than this section and sections 15, 16 and 17, shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorised to be adopted under such an order shall be construed accordingly.

(4) In relation to a provisional adoption order section 5 of this Act shall have effect as if for the word "three", both where it occurs in subsection (1) and where it occurs in subsection (2) there were substituted the word "six".

Power to make  
regulations

27. (1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing power, such regulations may provide for -

(a) anything required by this Act to be prescribed; and

(b) such adaptations and modifications in any other law made or having effect prior to the date of commencement of this Act as appear to him necessary or expedient on account of anything provided by or under this Act.

(2) Any regulations adapting or modifying any Act under paragraph (b) of subsection (1) shall be subject to affirmative resolution and shall not come into force until a draft of it has been laid before Parliament and approved by a resolution of Parliament.

✓ 28. For the avoidance of doubt it is hereby declared that the provisions, of this Act shall not in any way affect any adoption made in accordance with any prevailing custom in Solomon Islands prior to or after the commencement of this Act.

Avoidance of  
doubt

## SCHEDULE

### THE ADOPTION ACT 2004

#### FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN SOLOMON ISLANDS

No. of entry	Date and country of birth of child	Name and surname of child	Sex of child	Name and surname of officer deputed by Registrar General to attest the entry	Date of adoption order and description of court by which made	Date of entry	Signature of officer deputed by Registrar to attest the entry

## THE ADOPTION BILL 2004

## Object and Reasons

In terms of section 76 as read with Schedule 3 to the Constitution, the Adoption Act 1958 of the U.K. applies in Solomon Islands.

In recent years the number of applications for legal adoption has been on the increase. It is, therefore, considered desirable that local legislation be enacted to regulate legal adoptions in Solomon Islands.

The Bill is based on the Adoption Act of U.K. with such modifications as required to recognising local conditions and customs.

The Bill is divided into six parts -

Part I deals with preliminary matters.

Part II regulates the procedure for the making of adoption orders. The Court is empowered to make adoption orders and in certain instances, interim orders, at the discretion of the Court, depending on the circumstances of a particular case.

Part III deals with the legal effects of adoption orders, such as the rights and duties of parents and the adopted child's rights to succession of property.

Part IV provides for the maintenance of a register in which all adoptions will be registered.

Part V deals with a situation where subsequent to an adoption, the parents enter into a marriage and the birth is legitimized.

Part VI provides for the care and possession of an infant in the custody of the applicant pending the making of an adoption order. It also prohibits certain actions such as payments or rewards in consideration for consent. There are also provisions regulating the adoption of infants by persons not domiciled in Solomon Islands and for the Minister to make regulations for the purposes of the Act.

  
MINISTER OF JUSTICE AND LEGAL AFFAIRS