

GUYANA

ACT No. 23 OF 1997

ADOPTION OF CHILDREN (AMENDMENT) ACT 1997

I assent.

SAMUEL A. HINDS,
President,
13th October, 1997

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 6 of the Principal Act.
4. Amendment of section 9 of the Principal Act.
5. Amendment of section 10 of the Principal Act.

PRICE: \$125.00

To be purchased from the Office of the President; Georgetown;
Guyana.

6. Repeal and re-enactment of section 28 of the Principal Act.
7. Amendment of section 29 of the Principal Act.

AN ACT to amend the Adoption of Children Act.

A.D. 1997 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Adoption of Children Act, may be cited as the Adoption of Children (Amendment) Act 1997.

Amendment of section 2 of the Principal Act. 2. Section 2 of the Principal Act is hereby amended in the following respects -

(a) by the substitution for the definition of the word "father" of the following -
"father" in relation to a child born out of wedlock, means *

(i) the man who has been adjudged to be the father of the child by a court of competent jurisdiction; or

(ii) if there is no such man,
 the man who has acknowledged
 the child to be his; and
 has contributed to the child's
 maintenance before he exercises
 or seeks to exercise in
 respect of that child any
 rights or functions conferred
 on the father of a child
 by any provision of this Act,

and the expression "parent", in so
 far as it refers to the father of
 such child, shall be construed
 accordingly;

(b) by the substitution for the word
 "illegitimate" wherever it occurs
 of the words "born out of wedlock".

3. Section 6 of the Principal Act is hereby
 amended by the insertion immediately after subsection
 (3) of the following subsection as subsection (3A)
 subsection (3A)

Amendment
 of section
 6 of the
 Principal
 Act.

"(3A) Notwithstanding the provisions
 of subsections (1), (2) and (3), where
 the adopter is a Guyanese national

resident outside Guyana, the references in subsections (1), (2) and (3) to six months shall be read and construed as if each were ²reference to one month¹.

Amendment
of section
9 of the
Principal
Act.

4. Section 9 of the Principal Act is hereby amended in the following respects -

- (a) in subsection (1), by the substitution for the words "a person domiciled in Guyana" of the words "a person domiciled in Guyana, a Guyanese national resident outside Guyana or a former Guyanese national who has acquired by registration or other voluntary and formal act (including marriage) the citizenship of any country other than Guyana";
- (b) by the insertion immediately after subsection (3) of the following subsection.

"(4) Where the applicant is not domiciled in Guyana, he shall, in addition to any other prescribed requirements, furnish the court with a certificate from the

A.D. 1997]

ADOPTION OF CHILDREN (AMENDMENT)

[No. 23

Guyanese diplomatic mission or consulate in the country in which he is resident, or such other office or person as may be prescribed, stating that the applicant is a suitable person to be entrusted with the child concerned.

(5) For the purposes of this section, the word "spouse" includes a single man and a single woman living together in a common law union for at least seven consecutive years immediately preceding an application for adoption."

5.
amended -

Section 10 of the Principal Act is hereby Amendment
of section
10 of the
Principal
Act.

(a) by the substitution for subsection (5) of the following -

"(5) An adoption order shall not be made unless the child resides in Guyana.";

(b) by the insertion immediately after subsection (6) of the following subsection as subsection (7) -

"(7) Notwithstanding the provisions of subsection (6), where the adopter is a Guyanese national resident outside Guyana or a former Guyanese national who has acquired by registration, naturalisation or other voluntary act (including marriage) the citizenship of any country other than Guyana, the reference in that subsection to three months shall be read and construed as^a reference to one month."

Repeal and re-enactment of section 28 of the Principal Act.

6. Section 28 of the Principal Act is hereby repealed and the following section is substituted there -

"Sending children abroad for adoption.

28. (1) It shall not be lawful for any person, in connection with arrangements made for the adoption of a child, to permit, or to cause or procure, the care and custody of such a child to be transferred to a person resident abroad, whether or not that person is the guardian or relative of the child, unless a licence has been granted in respect of the child under section 29.

(2) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

(3) In any proceedings under this section, a report made by a Guyanese consular officer of a deposition made before a Guyanese consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in Guyana, 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 any report or deposition."

7. Section 29(1) of the Principal Act is amended by the substitution for the words "Commonwealth citizen" of the word "person".

Amendment
of section
29 of the
Principal
Act.

Passed by the National Assembly on 13th October, 1997.

F. A. Narain,
Clerk of the National Assembly.