

REPUBLIC OF ZAMBIA

THE ADOPTION ACT

CHAPTER 54 OF THE LAWS OF ZAMBIA

CHAPTER 54 THE ADOPTION ACT

THE ADOPTION ACT

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CHAPTER 54

ADOPTION

An Act to provide for the making and registration of adoption orders; to provide for the registration and control of adoption societies; to regulate the making of arrangements by adoption societies and other persons in connection with the adoption of children; to provide for the supervision of adopted children by the Commissioner for Juvenile Welfare in certain cases; to restrict the making and receipt of payments in connection with the adoption of children; and to provide for matters incidental to or connected with the foregoing.

5 of 1956
32 of 1958
13 of 1994
Government Notices
276 of 1964
497 of 1964
Statutory Instrument
53 of 1965

[1st August, 1956]

PART I PRELIMINARYPART I

PRELIMINARY

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

Short title

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

"abroad" means in any country outside Zambia;

"adoption order" has the meaning assigned to it by section *three*;

"adoption society" means a body of persons whose functions consist of or include the making of arrangements for the adoption of children;

"body of persons" means any body of persons, whether incorporated or unincorporated;

"Commissioner" means the Commissioner for Juvenile Welfare appointed under the provisions of section *five* of the Juveniles Act;

"court" means a court having jurisdiction to make adoption orders under the provisions of section *ten*;

"custodian" means the person in whose care and possession an infant is or is to be placed in pursuance of any arrangements made under the provisions of this Act;

"father", in relation to an illegitimate infant, means the natural father of such infant;

"infant" means a person who has not attained the age of twenty-one years, but does not include a person who is or has been married;

"interim order" means an order made under the provisions of section *eight*;

"juveniles inspector" means a person appointed as such under the provisions of section *six* of the Juveniles Act;

"place of safety" has the same meaning as in the Juveniles Act;

"registered adoption society" means an adoption society registered under the provisions of Part V;

"Registrar-General" means the Registrar-General of Births and Deaths appointed under the provisions of section *three* of the Births and Deaths Registration Act;

"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-

(a) where an adoption order has been made in respect of the infant or any other person under the provisions of this Act, or of the repealed Act, 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;

(b) 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;

"the repealed Act" means the Adoption of Children Act, Chapter 136 of the 1948 Edition of the Laws;

"subordinate court" means a subordinate court of the first or second class as defined in the Subordinate Courts Act.

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(2) For the purposes of this Act, 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 therefor, or if he causes another to do so.

PART II MAKING OF ADOPTION ORDERSPART II

MAKING OF ADOPTION ORDERS

3. (1) Subject to the provisions of this Act, the court may, upon an application made in the prescribed manner, make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant. Power to make adoption orders

(2) An adoption order may be made on the application of two spouses authorising them jointly 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 spouse.

4. (1) An adoption order shall not be made in respect of an infant unless the applicant or, in the case of a joint application, one of the applicants- Restrictions on making adoption orders

(a) has attained the age of twenty-five years and is at least twenty-one years older than the infant; or

(b) has attained the age of twenty-one years 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 *three*, an adoption order shall not be made authorising more than one person to adopt an infant.

(4) Subject to the provisions of section *five*, an adoption order shall not be made-

(a) in any case except with the consent of every person or body of persons 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 such infant;

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

(5) An adoption order shall not be made in respect of any infant unless-

- (a) the applicant and the infant reside in Zambia; and
- (b) 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
- (c) the applicant has, at least three months before the date of the order, notified the Commissioner of his intention to apply for an adoption order in respect of the infant.

5. (1) The court may dispense with any consent required by paragraph (a) of subsection (4) of section *four* if it is satisfied- Consent to adoption

- (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 his 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 his consent or that the spouses are 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 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 the 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 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.

6. (1) Where any person whose consent to the making of an adoption order is required by paragraph (a) of subsection (4) of section *four* does not attend in the proceedings for the purpose of giving such consent, then, subject to the provisions of subsection (2), 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 such consent, whether executed before or after the commencement of the proceedings.

Evidence of consent of parent or guardian

(2) Where any document mentioned in subsection (1) is attested by a magistrate in the case of a document executed within Zambia, or is attested in accordance with the provisions of the Authentication of Documents Act in the case of a document executed outside Zambia, such document shall be admissible as provided in subsection (1) 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.

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(3) Any licence issued under the provisions of section 40 of the Adoption Act, 1950, or section 23 of the Adoption of Children (Northern Ireland) Act, 1950, of the United Kingdom, authorising the care and possession of an infant to be transferred to any British subject resident in Zambia shall be admissible as evidence of the consent of the parent or guardian of the infant to an adoption order being made under the provisions of this Act in respect of such infant and such British subject.

(4) If the consent of the parent or guardian to an adoption has been dispensed with by the Licensing Authority under section 40 (2) of the Adoption Act, 1950, or under section 23 (3) of the Adoption of Children (Northern Ireland) Act, 1950, of the United Kingdom, such consent shall not be required by the court under this Act.

(5) A document signifying the consent of the mother of an infant shall not be admissible under the provisions of 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 in accordance with the provisions of subsection (2).

(As amended by No. 32 of 1958)

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

Functions of court as to adoption orders

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- (a) that every person whose consent is necessary under the provisions of 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 such adoption order will be permanently to deprive him or her of his or her parental rights;
- (b) that the adoption 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.

(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.

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.

Interim orders

(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 (5) of section *four*.

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

9. An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order, whether such order was made under the provisions of this or any other enactment, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if living, be deemed to be the parent or parents of the infant for all the purposes of this Act.

Adoption orders in respect of children previously adopted

10. (1) The court having jurisdiction to make adoption orders under this Act shall be the High Court or, at the option of the applicant, but subject to any rules which may be made in that behalf, any subordinate court of the first class within the jurisdiction of which either the applicant or the infant resides at the date of the application for the adoption order.

Jurisdiction and procedure

(2) For the purpose of any application under this Act and subject to any rules which may be made in that behalf, the court shall appoint some person or body of persons 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.

PART III REGISTRATION OF ADOPTION ORDERSPART III

REGISTRATION OF ADOPTION ORDERS

11. (1) The Registrar-General shall maintain at the Office of the Registrar-General 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.

Adopted Children Register

(2) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal or stamp of the Office of the Registrar-General, 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 of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the copy were a certified copy of an entry in the Register of Births.

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

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(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 Register of Births which has been marked "Adopted" in pursuance of the provisions of this Act, and any corresponding entry in the Adopted Children Register, but the registers and books kept under the provisions of this subsection shall not be, nor shall any index thereof be, open to public inspection and search, nor, except under an order by the High Court, shall the Registrar-General furnish any person with any information contained in or with any copy or extract from such registers or books.

12. (1) Every adoption order 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, and, subject to the provisions of subsection (2), shall specify the particulars to be entered under the headings in columns 2 to 6 of the Schedule.

Registrations of adoptions

(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 the infant's birth and the date so determined shall be specified in the order as the date of birth of the infant;
- (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 country of birth of the infant is not proved to the satisfaction of the court, the particulars of that country may, notwithstanding anything in subsection (1), 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, not being an infant who has previously been the subject of an adoption order made under the provisions of this Act or of the repealed Act, 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 such application shall contain a direction to the Registrar-General to cause 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 under the provisions of this Act or of the repealed Act, the order shall contain a direction to the Registrar-General to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".

(5) Where an adoption order is made by a 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 such communication the Registrar-General shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Register of Births with the word "Adopted" and in regard to making the appropriate entry in the Adopted Children Register.

13. (1) The court by which an adoption order has been made under this Act or under the repealed Act 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 prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar-General and any necessary correction of or addition to the Adopted Children Register shall be made accordingly.

Amendment of orders
and rectification of
Registers

(2) Where an adoption order was made before the commencement of this Act, the power of the court under subsection (1) shall include power to amend the order-

- (a) by the insertion of the country of the adopted person's birth;

- (b) where the order does not specify a precise date as the date of the adopted person's birth, by the insertion of the date which appears to the court to be the date or probable date of his birth;

and the provisions of subsection (1) shall have effect accordingly.

(3) The court by which an adoption order has been made under the repealed Act shall, on the application of the adopter or of the adopted person, request the Registrar-General to provide for the registration of the adoption in accordance with section *twelve*, as if this Act had been in force at the time of the said adoption.

(4) Where an adoption order is quashed or an appeal against an adoption order allowed, the court which made the order shall give directions to the Registrar-General to cancel any marking of an entry in the Register of Births and any entry in the Adopted Children Register effected in pursuance of the order.

(5) A copy or extract of an entry in any register, being an entry the marking of which is cancelled under the provisions of this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

PART IV EFFECT OF ADOPTION ORDERSPART IV

EFFECT OF ADOPTION ORDERS

14. (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.

Rights and duties of
parents and capacity
to marry

(2) In any case where two spouses are the adopters, the spouses shall, in respect of the matters mentioned in subsection (1) 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 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 other person other than the adopter is authorised by a subsequent order to adopt the same infant.

15. (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 real or personal property other than property subject to an entailed interest under a disposition made before the date of the adoption order, 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.

Intestacies, wills and settlements

(2) In any disposition of real or personal 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.

(3) Where under any disposition any real or personal property or any interest in any such property is limited, whether subject to any preceding limitation or charge or not, in such a way that it would, apart from this section, devolve as nearly as the law permits, along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity or title of honour, but the property or interest shall devolve in all respects as if this section had not been enacted.

16. (1) For the purposes of any enactments for the time being in force relating to friendly societies, collecting societies and industrial insurance companies which enable such societies and companies to insure money to be paid for funeral expenses and which restrict the persons to whom money may be paid on the death of a child under the age of ten, an adopter shall be deemed to be the parent of the infant whom he is authorised to adopt under an adoption order.

Industrial insurance, etc.

(2) Where, before the making of an adoption order in respect of an infant, any such insurance as is mentioned in subsection (1) has been effected by the natural parent of the infant, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter, and the adopter shall, for the purposes of the enactments mentioned in subsection (1), be treated as the person who took out the policy.

17. (1) Where an adoption order is made in respect of an infant who is illegitimate, then, subject to the provisions of this section, any affiliation order 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 or agreement at the date of the adoption order. Affiliation orders, etc.

(2) Where an infant to whom any such order or agreement as is mentioned in subsection (1) relates is adopted by his mother, and the mother is a single woman, the order or agreement shall not cease to have effect by virtue of subsection (1) upon the making of the adoption order, but shall cease to have effect if she subsequently marries.

(3) Where an adoption order is made in respect of an infant committed to the care of a fit person by an order in force under the provisions of the Juveniles Act, such last-mentioned order shall cease to have effect. Cap. 53

PART V ADOPTION SOCIETIESPART V

ADOPTION SOCIETIES

18. (1) It shall not be lawful for any body of persons to make any arrangements for the adoption of an infant unless that body is a registered adoption society. Restriction on making arrangements for adoption

(2) If any person takes part in the management or control of a body of persons which exists wholly or partly for the purpose of making arrangements for the adoption of infants, and which is not a registered adoption society, he shall be guilty of an offence.

(3) In any proceedings under this section proof of things done or of words written, spoken or published, whether or not in the presence of any party to the proceedings, by any person taking part in the management or control of a body of persons or in making arrangements for the adoption of infants on behalf of that body shall be admissible as evidence of the purpose for which such body of persons exists.

19. (1) Subject to the following provisions of this Part, where application is made in the prescribed manner by or on behalf of an adoption society to the Commissioner and there is furnished therewith the prescribed information relating to the activities of the society, the Commissioner shall register the society under the provisions of this Part. Registration of adoption societies

(2) The Commissioner may refuse to register an adoption society under this Part if it appears-

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- (a) that the activities of the society are not controlled by a committee of members of the society who are responsible to the members of the society;
- (b) that any person proposed to be employed, or employed, by the society for the purpose of making any arrangements for the adoption of infants on behalf of the society is not a fit and proper person to be so employed;
- (c) that the number of competent persons proposed to be employed, or employed, by the society for the purpose aforesaid is, in the opinion of the Commissioner, insufficient having regard to the extent of the activities of the society in connection with that purpose; or
- (d) that any person taking part in the management or control of the society or any member of the society has been convicted of an offence under the provisions of this Act or under the provisions of section *forty-nine* of the Juveniles Act.

Cap. 53

(3) The Commissioner may at any time cancel the registration of an adoption society on any grounds which would entitle him to refuse an application for the registration of the society.

20. (1) Where the Commissioner proposes to refuse an application for registration made to him by or on behalf of an adoption society or to cancel the registration of an adoption society, the Commissioner shall give to the society not less than fourteen days' notice in writing of his intention so to do.

Procedure and right of appeal

(2) Every notice mentioned in subsection (1) shall state the grounds on which the Commissioner intends to refuse the application or to cancel the registration, as the case may be, and shall contain an intimation that, if within fourteen days after the receipt of the notice the society inform the Commissioner in writing that they desire so to do, the Commissioner will, before refusing the application or cancelling the registration, as the case may be, give to the society an opportunity of causing representations to be made to the Commissioner by or on behalf of the society.

(3) If the Commissioner, after giving to the society an opportunity of causing such representations as are mentioned in subsection (2) to be made, decides to refuse the application for registration or to cancel the registration, as the case may be, he shall give to the society notice in writing of his decision.

(4) Any adoption society aggrieved by the refusal of an application for registration, or by the cancellation of their registration, by the Commissioner may appeal to the High Court by a notice of appeal given within twenty-one days after notice in writing of the decision has been given to the society.

(5) Where the registration of an adoption society is cancelled by the Commissioner, such society shall, for the purposes of this Part, be deemed to be registered under this Part during the period within which an appeal against the cancellation may be brought under the provisions of this section and, if such an appeal is brought, until the determination or abandonment of such appeal.

21. (1) The Commissioner may at any time give notice to any registered adoption society or to any officer of such society requiring such society or officer to produce to the Commissioner or to any person duly nominated by him in that behalf such books, accounts and other documents relating to the performance by the society of the function of making arrangements for the adoption of infants as the Commissioner may consider necessary for the exercise of the powers conferred upon the Commissioner by subsection (3) of section *nineteen*.

Inspection of books,
etc.

(2) Any notice given under the provisions of subsection (1) may contain a requirement that any information to be furnished in accordance with such notice shall be verified by statutory declaration.

(3) Any person who fails to comply with the requirements of a notice given under the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

22. (1) It shall not be lawful for a registered adoption society by whom arrangements are made for the adoption of an infant-

Arrangements by
adoption societies for
adoption

- (a) to place the infant in the care and possession of a person resident in Zambia if an adoption order in respect of the infant could not lawfully be made in favour of that person;
- (b) to place the infant in the care and possession of a person resident abroad unless the approval of the Minister has been granted in respect of the infant under the provisions of subsection (2) of section *thirty-two*.

(2) At any time within three months from the date on which an infant is delivered into the care and possession of a person resident in Zambia in pursuance of arrangements made by a registered adoption society for the adoption of such infant by such person-

- (a) such person may give notice in writing to the society of his intention not to adopt the infant; or
- (b) the society may cause notice in writing to be given to such person of their intention not to allow the infant to remain in his care and possession.

(3) If, at the expiration of the period of three months mentioned in subsection (2), no such notice as is mentioned in subsection (2) has been given, the person into whose care and possession the infant was delivered shall, within six months after the expiration of such period, either-

- (a) apply to the court for an adoption order in respect of the infant; or
- (b) give notice in writing to the society of his intention not to apply for such an order.

(4) Where any notice is given to a registered adoption society by any person, or by such a society to any person under the provisions of subsection (2) or (3), or where an application for an adoption order made by any person pursuant to subsection (3) is refused by the court, that person shall, within seven days after the date on which the notice was given or the application refused, as the case may be, cause the infant to be returned to the society, and the society shall receive the infant accordingly:

Provided that it shall be sufficient compliance with the requirements of this subsection if the infant is delivered by the said person to, and is received by, a suitable person nominated for the purpose by the society.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and the court by which an offender is convicted may order any infant in respect of whom the offence is committed to be returned to his parents or guardians or the registered adoption society.

*(As amended by G.N. No. 276 of 1964 and
S.I. No. 53 of 1965)*

PART VI SUPERVISION BY THE COMMISSIONERPART VI

SUPERVISION BY THE COMMISSIONER

23. (1) Subject to the provisions of section *twenty-four*, this Part shall have effect where- Application of Part VI

- (a) arrangements are made for the placing of an infant who has not attained the age of sixteen years in the care and possession of a person who is resident in Zambia 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 the infant 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 arrangement therefor;

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 are mentioned in this section is in this Part referred to as the custodian of the infant.

24. The provisions of this Part shall not have effect where possession of an infant has been, is, or is proposed to be taken-

Exemptions from Part VI
Cap. 305
Cap. 53

- (a) by any person for a purely temporary purpose;
- (b) by a school, hospital, convalescent home or other similar institution;
- (c) by an institution to which the infant has been committed under the provisions of the Mental Disorders Act; or
- (d) by any reformatory, approved school, house or home approved under the provisions of the Juveniles Act for the reception of juveniles.

25. Where this Part has taken effect in relation to an infant, it shall cease to have effect-

Duration of application of Part VI

- (a) if an adoption order or an interim order is made in respect of such infant, upon the making of such order;
- (b) if no such order has been made, on the date on which he attains the age of eighteen years or ceases to live apart from his parents with the person with whom he was living when he attained the age of sixteen years, whichever first occurs.

26. (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 Commissioner.

Notification of taking possession of an infant

(2) The notice required by this section shall state the 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.

(3) Any person who fails to give any notice required by the provisions of subsection (1) shall be guilty of an offence.

27. (1) Where the custodian of an infant in relation to whom this Part has effect changes his residence while the infant is in his care and possession, he shall give to the Commissioner notice of the change at least seven days before doing so:

Notification of change of residence, etc.

Provided that, where an immediate change of residence is necessitated by any sudden emergency, the provisions of this subsection 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.

(2) If an infant in relation to whom this Part has effect dies while in the care and possession of his custodian, the custodian shall, within twenty-four hours of the death, give notice in writing of the death to the Commissioner and to the coroner of the District in which the body of the infant lies.

(3) Any person who fails to give any notice required by the provisions of this section shall be guilty of an offence.

28. (1) If an infant in relation to whom this Part has effect-

Summary order for removal of infant

- (a) is about to be received or is being kept by any person in any premises which are overcrowded, insanitary 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;

a subordinate court may, on an application made by or on behalf of the Commissioner, 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) Upon proof that there is imminent danger to the health or well-being of the infant concerned, any magistrate, acting, if he deems it necessary, *ex parte*, may exercise the powers conferred upon a subordinate court by subsection (1), upon the application of a juveniles inspector.

(3) Any order made under the provisions of this section may be enforced by a juveniles inspector, and any person who refuses to comply with such an order upon its being produced, or who obstructs a juveniles inspector in the enforcement of such order, shall be guilty of an offence.

29. Where any person is convicted of an offence under the provisions of this Part, 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.

Removal of infant in respect of offences

PART VII MISCELLANEOUS AND GENERALPART VII

MISCELLANEOUS AND GENERAL

30. (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 an infant under the provisions of this Act, 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.

Prohibition of certain payments

(2) Any person who, in connection with arrangements by virtue of which Part VI 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.

(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 payment or reward whatsoever in connection with the making of the arrangements shall be guilty of an offence.

(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 the Commissioner under the provisions of subsection (3) of section *thirty-three*;
- (c) to any payments made by or on behalf of a registered adoption society in respect of the maintenance of an infant who has been placed at the disposition of the society;

The Laws of Zambia

- (d) to any payments made to a registered adoption society by the parent or guardian of an infant or by any person in respect of the maintenance of the infant so long as the infant is not in the care and possession of a person who has adopted or proposes to adopt him, whether under an adoption order or otherwise, being payments made weekly and at a rate not exceeding such rate as may be prescribed.

31. (1) It shall not be lawful for any advertisement to be published indicating-

Restriction upon advertisements

- (a) that the parent or guardian of an infant desires to cause the infant to be adopted;
- (b) that a person desires to adopt an infant; or
- (c) that any person, not being a registered adoption society, is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published or who knowingly publishes any advertisement in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units.

(As amended by Act No. 13 of 1994)

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

Restriction on sending infants abroad

(2) It shall not be lawful for any person in connection with any such arrangements as are mentioned in subsection (1) to permit or procure the care and possession of an infant as mentioned in subsection (1) to be transferred to a person who is resident abroad, and who is not the guardian or a relative of the infant, unless the approval of the Minister has been granted in respect thereof.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence, and the court by which such person is convicted may order any infant in respect of whom the offence was committed to be returned to his parents or guardian.

(As amended by G.N. No. 276 of 1964 and S.I. No. 53 of 1965)

33. (1) The Commissioner may grant a licence in the prescribed form, and subject to such conditions and restrictions as he may think fit, authorising the care and possession of an infant for whose adoption arrangements have been made to be transferred to a person resident abroad, but, subject to the provisions of this section, no such licence shall be granted unless the Commissioner-

Licence to send infant abroad for adoption

The Laws of Zambia

- (a) is satisfied that the application is made by or with the consent of every person or body of persons 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 the report of a Zambian consular officer, or any other person who appears to the Commissioner 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 trusted 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 Commissioner 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 Commissioner and in all the circumstances of the case, to be dispensed with.

(3) Where the Commissioner grants a licence under the provisions of this section, he 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.

(As amended by S.I. No. 53 of 1965)

34. Any notice under this Act may be served by registered post, and such service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service of notices

35. Where any offence under the provisions of Part V, VI or VII committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable 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 such offence and shall be liable to be proceeded against and punished accordingly.

Offences by bodies corporate

36. Any person who is guilty of an offence under the provisions of this Act shall, unless some other penalty is specifically provided therefor, be liable to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

Penalties

(As amended by Act No. 13 of 1994)

37. The Minister may, by statutory instrument, make regulations- Regulations

- (a) prescribing the manner in which application for registration shall be made by an adoption society;
 - (b) providing for the conduct of negotiations entered into by or on behalf of any registered adoption society with persons who, having the care and possession of infants, are desirous of causing such infants to be adopted;
 - (c) prescribing the maximum rate at which payments may be made under the provisions of paragraph (a) of subsection (4) of section *thirty*;
 - (d) with respect to the application for and grant of licences under the provisions of section *thirty-three*, and prescribing the form of application for such licences;
- (e) prescribing anything to be prescribed under this Act.

(As amended by G.N. No. 276 of 1964)

38. The High Court may, by statutory instrument, make rules- Rules
Cap. 53

- (a) prescribing the manner in which applications shall be made for adoption orders;
- (b) for the purposes of section *ten*;
- (c) prescribing the officers of courts who shall be responsible for communicating adoption orders to the Registrar-General;
- (d) dealing with all matters of court procedure and all matters incidental thereto arising out of this Act and for carrying this Act into effect, and such rules may provide for applications for adoption orders being heard and determined otherwise than in open court and, where applications are made to a subordinate court of the first class, for the hearing and determination thereof in a juvenile court as defined in the Juveniles Act.

SCHEDULE

(Section 12)

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER

1	2	3	4	5	6	7	8
No. of entry	Date and country of birth of child	Name and sur-name of child	Sex of child	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 Registrar-General to attest to entry

SUBSIDIARY LEGISLATION

ADOPTION

SECTION 37-THE ADOPTION SOCIETIES REGULATIONS

Government Notice
192 of 1956
Act No.13 of 1994

Regulations by the Minister

1. These Regulations may be cited as the Adoption Societies Regulations. Title

2. Every application for the registration of an adoption society under section *nineteen* of the Act shall be made in the form, and shall give the particulars, set out in the First Schedule. Application for registration

3. The registration fee to be paid by an adoption society to the Commissioner for Juvenile Welfare shall be seventy-five fee units. Registration fee

(As amended by Act No. 13 of 1994)

4. Where the parent or guardian of a child proposes to place an infant at the disposition of a registered adoption society with a view to the infant's adoption, the society- Duties of adoption society prior to acceptance of infant
 - (a) shall furnish the parent or guardian with a memorandum in the form set out in the Second Schedule; and
 - (b) shall not accept the infant unless the parent or guardian has signed and delivered to the society a certificate (which the society shall retain) in the form set out in the Second Schedule, that he has read and understood the said memorandum.

5. In the case of every infant proposed to be delivered by or on behalf of a registered adoption society into the care and possession of an adopter- Duties of adoption society prior to placement
 - (a) the society shall make inquiries and obtain reports on the points set out in the Third Schedule; and the report obtained on the health of the infant shall be signed by a duly qualified medical practitioner; and
 - (b) the case shall be considered by a committee (to be called a "case committee") appointed by the society for the purpose and consisting of not less than three persons.

6. No infant shall be delivered into the care and possession of an adopter by or on behalf of a registered adoption society until- Duties of case committee
 - (a) the adopter has been interviewed by the case committee or by some competent person on their behalf;
 - (b) the case committee has arranged for the inspection of, and received a report from a competent person upon, any premises in which the adopter intends that the infant should remain permanently; and
 - (c) the case committee has considered the reports required by regulation 5.

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7. Every registered adoption society shall, within twelve months of registration, and thereafter at least once in every period of twelve months, furnish to the Commissioner for Juvenile Welfare-

Annual reports of adoption society to be sent to Commissioner for Juvenile Welfare

- (a) duly audited accounts and balance sheets submitted by a person dissociated from the society and not in any way related to any member or officer of the society; and
- (b) a report in the form set out in the Fourth Schedule.

8. (1) Every registered adoption society shall make adequate arrangements for the care and supervision of infants who have been placed by their parents or guardians in the care of the society.

Care of infants accepted by adoption society

(2) Every infant who is not accommodated in premises under direct control of the society, or accommodated in any approved home or institution providing for the care and protection of children, shall, unless and until the infant has been adopted in pursuance of an adoption order, be visited in the first month and thereafter at least once a month by a representative of the society who shall report upon the case to the case committee; if the case committee so recommend, the society shall immediately remove the infant.

FIRST SCHEDULE

The Laws of Zambia
(Regulation 2)
THE ADOPTION ACT
FORM OF APPLICATION FOR REGISTRATION

I/We, the undersigned, being a person/persons duly authorised on behalf of the society called the , hereby apply to the Commissioner for Juvenile Welfare to have the said society registered as an adoption society under the provisions of section 19 of the Adoption Act.

The following are particulars of the society:

1. Date of establishment
2. Full residential address of the society's administrative centre
3. Postal address of the society
4. Objects for which the society exists

(State if the society applies its profits, if any, and other income to promoting these objects.) (A copy of the society's constitution should be attached to this application.)

5. Full names, addresses and occupations or descriptions of the members of the committee controlling the activities of the society should be attached as Schedule I to this application.
6. Full names, addresses and occupations or descriptions of the members of case committees should be attached as Schedule II to this application.
7. Full names, addresses and qualifications of all persons employed by the society, whether voluntary or paid, for the purpose of making any investigations or reports on behalf of the society should be attached as Schedule III to this application.
8. Copies of the society's latest annual report and audited statement of accounts should be attached.

I/We hereby declare that the particulars furnished above and in Schedules I, II and III to this application are correct in every respect.

Signature

Office held under the society

Address

Signature

Office held under the society

Address

The Laws of Zambia
SECOND SCHEDULE

(Regulation 4)

(Form of Memorandum to be given to the parent or guardian and Certificate to be signed by parent or guardian)

ADOPTION OF CHILDREN: EXPLANATORY MEMORANDUM

1. If the Court makes an adoption order, all your rights and duties with regard to the child will be transferred permanently to the adopter(s) and in law the child will no longer be yours.
2. The Court cannot make an adoption order without the consent of each parent or guardian of the child unless it is satisfied-
 - (a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;
 - (b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the child, 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 his consent is unreasonably withheld.

If the natural father of an illegitimate child contributes towards the child's maintenance under an affiliation order or a voluntary agreement, the Court will, as a rule, require his consent also.

3. Your consent must be given in writing and must be attested by a Magistrate. If you are the child's mother, your consent cannot be given until the child is at least six weeks old on the date of the execution of the document. In giving your consent you may, if you choose, stipulate the religious persuasion in which you desire the child to be brought up.

4. You are not allowed to receive or pay any money for the adoption unless the Court agrees. This does not apply to a weekly payment for the maintenance of your child before placement with the adopter(s), whether paid to an adoption society, nursery or foster mother.

5. An adoption society cannot arrange for your child to be sent abroad for adoption without a licence from the Commissioner for Juvenile Welfare and here again the licence cannot be granted without your consent, except for a reason of the same sort as those set out in paragraph 2.

6. If you have taken out an insurance policy against funeral expenses for your child, the insurers will be able to tell you whether, after the adoption order is granted, the policy can be transferred to the adopter(s) should they wish to continue it.

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CERTIFICATE

(To be furnished to a registered adoption society by a parent or guardian proposing to place a child at the disposition of the society with a view to the child being adopted)

I HEREBY CERTIFY that I have received from..... a Memorandum headed "Adoption of Children: Explanatory Memorandum", from which I have detached this certificate of acknowledgment, and I further certify that I have read the Memorandum and understand it.

Signature

Address

Date.....

The Laws of Zambia
THIRD SCHEDULE

(Regulation 5)

(Points on which inquiries must be made and reports obtained in the case of every child proposed to be delivered by or on behalf of a registered adoption society into the care and possession of an adopter)

PART A-PARTICULARS RELATING TO THE CHILD

The Laws of Zambia

1. Name.
2. Address.
3. Date and place of birth.
4. Is the child resident in Zambia?
5. If baptised, state place of baptism and denomination.
6. Full name, address and age of the child's parents. If dead, state date of death.
7. Parents' religion.
8. Has either parent any other children? If so, state their ages and sex.
9. Is there any history of insanity, tuberculosis or other disease in the family of either parent?
10. Why is the child offered for adoption?
11. Has the child any right or interest in property? If so, give full particulars.
12. Has any insurance been effected on the life of the child?

PART B-PARTICULARS RELATING TO THE PARENTS OR GUARDIANS

1. If the mother is alive, does she consent to adoption?
2. If the father is alive-
 - (a) is he married to the mother or otherwise liable to contribute to the child's maintenance? If so, give particulars. (If the parents are separated, state whether there is a separation order in force.)
 - (b) does he consent to the adoption?
3. If the child has guardians, state-
 - (a) their names and addresses;
 - (b) how and by whom they were appointed;
 - (c) whether they consent to adoption.
4.
 - (a) Are any other persons liable to contribute to the support of the child?
 - (b) If so, do they agree to adoption?
5. If the answer to questions 1, 2 (b), 3 (c) or 4 (b) is in the negative, the reason should be stated.

PART C-PARTICULARS RELATING TO THE ADOPTER

1. Name(s).
2. Address(es).
3. Country of domicile.
4. Date(s) of birth.
5. Religion(s).
6. Occupation(s).
7. Is it intended to apply for an adoption order?
8. Is the adopter married or are the adopters a married couple? If so, give date and place of marriage, and say whether it is intended to make a joint application for an adoption order.
9. Is there any child of the adopter(s) living at home? If so, give age and sex.
10. Has any child been adopted by the adopter(s) before? If so, give particulars.
11. What is the accommodation and condition of the home?
12. What are the means of the adopter(s)? How far are the earnings of children living at home included?
13. What are the wishes of the adopter(s) as to the age and sex of the child they wish to adopt?
14. Give the names and addresses of two responsible persons who can vouch for the character of the adopter(s).

PART D-VERIFICATION OF PARTICULARS

1.
 - (a) Have the particulars given under Parts A, B and C above been verified so far as possible?
 - (b) Have the particulars of the birth of the child, and of the death, marriage or separation of the parents, and of the marriage of the adopter(s) been confirmed by inspection of certificates of birth, death or marriage or the separation order?
2. Has a representative of the case committee interviewed the adopter(s)?
3. Has the home of the adopter(s) been inspected by a representative of the case committee? Was it found satisfactory?
4. Are the adopter(s) and the members of their household persons of good character? Have their references been taken up?
5. Do the adopter(s) and the members of their household appear to be in good health?

The Laws of Zambia

The Laws of Zambia
FOURTH SCHEDULE

The Laws of Zambia
(Regulation 7)
THE ADOPTION ACT
FORM OF ANNUAL REPORT

Report to the Commissioner for Juvenile Welfare from the adoption society called
.....
for the year ended

1. Full postal address of the society's administrative centre.
2. Has there been any change in the objects for which the society exists? Does it still apply the whole of its profits, if any, and other income in promoting those objects?
3. Full names, addresses and occupations or descriptions of all members of the committee controlling the activities of the society.
4. Full names, addresses, occupations or descriptions and qualifications of members of the case committee.
5. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Adoption Act, or of a breach of any regulation made thereunder? (If so, give particulars.)
6. Full names, addresses and qualifications of all persons employed by the society, whether voluntary or paid, for the purpose of making any arrangements for the adoption of children.
7. Cases dealt with by the society during the year ended.....
 - (a) Number of applications from persons wishing to adopt a child.
 - (b) Number of children offered to the society with a view to adoption.
 - (c) Number of children taken into hostels under the direct control of the society pending adoption.
 - (d) Number of children placed by the society pending adoption in foster homes or hostels not under the direct control of the society.
 - (e) Number of children placed with a view to adoption.
 - (f) Number of adoption orders made in respect of children placed by the society.
8.
 - (a) Number of children placed for adoption by the society and awaiting adoption orders at the end of the year.
 - (b) Number of children in hostels under the direct control of the society at the end of the year.
 - (c) Number of children at the end of the year in foster homes or in hostels in which they had been placed by the society but which are not under the society's direct control.
9. A copy of the society's latest annual report should be attached.

I/We hereby declare that the above particulars are correct in every respect.

Signature

Office held under the society

Address

.....

Signature

Office held under the society

Address

.....

Date.....

SECTION 37-THE ADOPTION (TRANSFER ABROAD) REGULATIONS

Regulations by the Minister

*Government Notice
193 of 1956
Statutory Instrument
53 of 1965*

1. These Regulations may be cited as the Adoption (Transfer Abroad) Regulations. Title

 2. An application for a licence under section *thirty-three* of the Act, authorising the care and possession of an infant for whose adoption arrangements have been made to be transferred to a person resident abroad, may be made by a parent or guardian of the infant or by any other person or body concerned in the making of the arrangements for the adoption of the infant, and, if that body is an adoption society, the application may be made by any person authorised by the society in that behalf.

(As amended by No. 53 of 1965)

Application for licence to transfer infant abroad

 3. Notice of the application shall be given in Form 1 in the Schedule to the Commissioner for Juvenile Welfare, and the notice shall be delivered or sent by registered post to the Commissioner for Juvenile Welfare. Notice of application to be sent to Commissioner for Juvenile Welfare

 4. The Commissioner for Juvenile Welfare shall cause a copy of the notice to be sent to a Zambian consular officer, or any other person who appears to the Commissioner to be a trustworthy person, and shall request the officer or person to report whether the person to whom the care and possession of the infant is proposed to be transferred is a suitable person to be entrusted therewith.

(As amended by No. 53 of 1965)

Commissioner for Juvenile Welfare to obtain report on person applying for care and possession of infant

 5. A copy of the notice referred to in regulation 3 shall be served by the applicant upon the infant and upon every person or body who is a parent or guardian of the infant, or who has the actual custody of the infant, or who is liable to contribute to the support of the infant: Service of copies of notice of application: powers of Commissioner for Juvenile Welfare to dispense with service
- Provided that the Commissioner for Juvenile Welfare may dispense with the service required by this regulation of a copy of the notice-
- (i) upon any person other than the infant, if he is satisfied that the person cannot be found; and
 - (ii) upon the infant, if he thinks fit having regard to the age and understanding of the infant.

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6. The Commissioner for Juvenile Welfare shall obtain, in Form 2 in the Schedule, the consent of every person or body of persons 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:

Consents to be obtained or dispensed with

Provided that the Commissioner for Juvenile Welfare may dispense with any consent required by this regulation if he is 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 Commissioner for Juvenile Welfare and in all the circumstances of the case, to be dispensed with.

7. (1) The service of any document under regulations 5 and 6 may be effected by delivering it to the person to be served or by sending it by registered post to him at his last known or usual place of abode:

Service of documents

Provided that where the document is to be served upon a body it shall be left at or sent by registered post to the registered office of that body or, in the absence of any registered office, the principal place where the body transacts or carries on its business.

(2) The service of any such document as aforesaid may be proved by the production of a declaration in Form 3 in the Schedule or in a form to the like effect purporting to be made before a magistrate.

8. The Commissioner for Juvenile Welfare, for the purpose of satisfying himself upon any matter relating to an application for a licence under the provisions of these Regulations, may require any person or body, by a person authorised on its behalf, to appear before him.

Powers of Commissioner for Juvenile Welfare

9. Any licence granted under section *thirty-three* of the Act shall be in Form 4 in the Schedule.

Form of licence

SCHEDULE

PRESCRIBED FORMS

FORM OF NOTICE OF AN APPLICATION FOR A LICENCE

To: The Commissioner for Juvenile Welfare.

I hereby give notice that I intend to apply for a licence under section 33 of the Adoption Act in respect of a male/female infant named.....aged.....years, born on the.....day of....., 19.....

The infant is the subject of arrangements for his/her adoption as follows:
(*1).....

- (i) The father (**(2)) of the infant is..... of....., a.....subject, aged.....years.
- (ii) The mother (**(3)) of the infant is..... of....., a.....subject, aged.....years.
- (iii) The guardian of the infant is..... of....., a.....subject, aged.....years.
- (iv) The infant is at present in the custody of..... of.....

The following persons are liable to contribute to the support of the infant ‡(4):

- (1) of
- (2) of

The person to whom it is proposed to transfer the care and possession of the infant is..... resident at.....

The following financial arrangements have been made/are contemplated in consideration of the transfer of the care and possession of the infant *(5) or (§(6)):
.....
.....

My full name, address and nationality are-

Name
Address
Nationality

and I am making this application as (||(7))

Date Signature of the Applicant

(*) Here set out the arrangements.
(†) If the father or mother is dead this fact should be stated.
(‡) Delete if inapplicable.
(§) If there are no financial arrangements write "none".
(||) Insert capacity, i.e. parent, guardian or person concerned in making the arrangements for the adoption.
(As amended by No. 53 of 1965)

FORM OF CONSENT TO THE MAKING OF AN APPLICATION FOR A LICENCE

Iof
being the *(8)..... of the infant named.....with
respect to whom application is to be made to the Commissioner for Juvenile Welfare by for the
grant of a licence under section 33 of the Adoption Act authorising the care and possession of the said infant for whose
adoption arrangements have been made to be transferred to
resident abroad at,
do hereby declare that I consent to the making of the said application.

* Here insert the appropriate words, i.e. father, mother, guardian, person having the actual custody, a person liable to
contribute to the support, etc.

In witness whereof I have signed this consent on theday of,
19.....

.....
Signature

Declared and signed before me.

.....
.....Magistrate

* Here insert the appropriate words, i.e. father, mother, guardian, person having the actual custody, a person liable to
contribute to the support, etc.

(As amended by No. 53 of 1965)

FORM OF DECLARATION OF SERVICE

I
of
hereby declare that I did on the day of, 19....., serve
of with a copy of the notice of application to be made to the
Commissioner for Juvenile Welfare for a licence under section 33 of the Adoption Act in respect of an infant named
..... by*(9):

- (i) delivering the said document personally;
- (ii) sending the said document by registered post to
being his/her last known or usual place of abode;
- (iii) leaving the said document at being the
registered office of (principal
place where transacts or carries on its business);
- (iv) sending the said document by registered post to
being the registered office of (principal
place where transacts or carries on its business).

Declared and signed before me theday of, 19.....
.....
Signature
Magistrate

*Delete whichever is inapplicable.

LICENCE GRANTED BY COMMISSIONER FOR JUVENILE WELFARE

WHEREAS application has been made by
of
for a licence under section 33 of the Adoption Act for authority to transfer the care and possession
of
an infant aged, having been born as far as can be ascertained
on the day of, 19,
to
resident at

AND WHEREAS I, the undersigned, am satisfied that all the consents required by section 33 (1) (a) of the said Act 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 infant, and that the transfer is likely to be for the welfare of the said infant;

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 infant by
of

NOW THEREFORE I, the undersigned, do hereby grant (subject to the conditions and restrictions set out below) 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:
.....)

.....
Commissioner for Juvenile Welfare

CONDITIONS AND RESTRICTIONS

- 1.
- 2.

(As amended by No. 53 of 1965)

SECTION 37-THE ADOPTION (FORMS) REGULATIONS

Government Notice
248 of 1956

Regulations by the Minister

- | | |
|---|--|
| <p>1. These Regulations may be cited as the Adoption (Forms) Regulations.</p> | <p>Title</p> |
| <p>2. Form 1 in the Schedule is hereby prescribed as the form of notice to be given to the Commissioner for the purpose of paragraph (c) of subsection (5) of section <i>four</i> of the Act.</p> | <p>Form of notice to Commissioner under section 4 (5) (c) of the Act</p> |
| <p>3. Form 2 in the Schedule is hereby prescribed as the form of notice to be given to the Commissioner for the purposes of section <i>twenty-six</i> of the Act.</p> | <p>Form of notice to Commissioner under section 26 of the Act</p> |
| <p>4. The forms hereby prescribed may be used with such variations as the circumstances of the case may require.</p> | <p>Forms may be varied</p> |

SCHEDULE

PRESCRIBED FORMS

FORM 1
(*Regulation 2*)

THE ADOPTION ACT
THE ADOPTION (FORMS) REGULATIONS
FORM OF NOTICE TO BE SENT TO THE COMMISSIONER FOR JUVENILE WELFARE PURSUANT TO SECTION 4 (5)
(C) OF THE ACT

The Laws of Zambia

To: The Commissioner for Juvenile Welfare,
Lusaka.

*Delete
require

TAKE NOTICE that I, (1)
..... of (2)
..... (P.O. Box No.)
a by occupation, intend to
apply for an adoption order in respect of the infant whose particulars are stated below:
Infant's names
Date of birth Sex
Place of birth
Infant was received into my care on from
(3)

AND FURTHER TAKE NOTICE that I, (1)
.....*(10)propose to make an application
(* (11) have instructed Messrs
of to make an application) in the
prescribed manner to the *(12) High Court at
/*Subordinate Court of the
at
Date.....
Signature

NOTES-

- (1) Insert full names in block capitals.
- (2) Insert full residential address.
- (3) Insert full name of person or agency from whom infant was received and the residential address of such person or agency.
- (4) Insert name and address of solicitors (if any).

THE ADOPTION ACT
THE ADOPTION (FORMS) REGULATIONS
FORM OF NOTICE TO BE SENT TO THE COMMISSIONER FOR JUVENILE WELFARE PURSUANT TO SECTION 26
OF THE ACT

*Delete
require

To: The Commissioner for Juvenile Welfare, Lusaka.

TAKE NOTICE that I, (1)
.....of (2)
.....(P.O. Box No.)
a by occupation, not being
the parent, guardian or custodian of (3)
an infant of the sex, born on the
day of, 19....., at
propose to make arrangements for the said infant to be placed in the care and possession of (4).....
whose address is (2).....(P.O. Box No.)
with effect from the day of, 19.....

AND the said (4)
*(13)has/have been informed of *(14)his/her/their responsibility to inform you of any change of residence whilst the said
infant is in *(15)his/her/their care and possession.

Date.....
.....
Signature

NOTES-

- (1) Insert full names in block capitals.
- (2) Insert full residential address.
- (3) Insert infant's name in full.
- (4) Insert names of both husband and wife if infant is placed with married couple.

THE ADOPTION RULES

ARRANGEMENT OF RULES

Rule

1. Title
2. Interpretation
3. Application
4. Previous application to subordinate court
5. Previous application to High Court
6. Serial number
7. Safeguarding identity of applicant
8. Who are to be served
9. Consents in writing
10. Mode of service
11. Verification by affidavit
12. Guardian *ad litem*
13. Notice of hearing
14. Secrecy
15. Restriction as to service of orders
16. Duties of guardian *ad litem*
17. Information to be confidential
18. Presence of parties
19. Cases more fit for the High Court
20. Supervision of infant
21. Notice of further hearing
22. Prescribed officer
23. Costs
24. Safe custody of documents
25. Procedure governing applications
26. Fees, costs and allowances
27. Adoption and interim orders
28. Forms may be varied

FIRST SCHEDULE-Prescribed forms

SECOND SCHEDULE-Additional matters subject to investigation and report by guardian
ad litem

SECTION 38-THE ADOPTION RULES

Rules by the High Court

Government Notices
236 of 1956
497 of 1964

The Laws of Zambia

1. These Rules may be cited as the Adoption Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation
 - "the Court" means the High Court or, as the case may be, a subordinate court of the first class sitting as a juvenile court, and having jurisdiction under section *ten* of the Act;
 - "the infant" means the child proposed for adoption;
 - "the petitioner" means the person or persons applying for the adoption.
3. An application to the High Court or to a subordinate court for an adoption order shall be made by a petition in Forms 1 and 2 respectively in the First Schedule. Application
4. If in the case of an application to a subordinate court it appears that the petitioner has previously made an application for an adoption order in respect of the same infant to any court other than a subordinate court, the Court shall not entertain the appeal; and if it appears that the petitioner has previously made an application for such an order to a subordinate court, the Court shall not entertain the application unless it is satisfied that there has been a substantial change in the circumstances since the previous application. Previous application to subordinate court
5. If it appears to the High Court that the petitioner has previously made an application for an adoption order in respect of the same infant to the High Court, the application shall not be proceeded with unless the Judge is satisfied that there has been a substantial change in the circumstances since the previous application. Previous application to High Court
6. If any person proposing to apply to the High Court or subordinate court for an adoption order desires that his identity should be kept confidential he may, before filing a petition, apply to the Registrar of the High Court or clerk of the court, as the case may be, for a serial number to be assigned to him for the purposes of the proposed petition, and the Registrar or clerk of the court shall assign such a number to him accordingly. Serial number
7. Unless it appears from the petition or is otherwise shown to the satisfaction of the Court, that the petitioner does not desire that his identity should be kept confidential, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any individual being a respondent to the proceedings (other than the infant or the spouse of the petitioner); and in particular the Court shall direct that the petitioner (unless his attendance is dispensed with under rule 18) shall attend and be heard and examined separately and apart from any such respondent. Safe-guarding identity of applicant

- 8.** The petition shall be served on-
- Who are to be served
- (a) the parent or parents of the infant;
 - (b) the guardian or guardians of the infant;
 - (c) the person or persons having the actual custody of the infant; and
 - (d) the person or persons liable to contribute to the support of the infant;
- but the Court may in its discretion dispense with service on any of those persons, and may in its discretion order the petition to be served on any other person.
- 9.** Every consent required under section *four* of the Act shall be in writing and shall be in accordance with the form of consent as set out in Form 3 in the First Schedule and shall be attested by a magistrate.
- Consents in writing
- 10.** Every petition, notice or other document required to be served by these Rules shall be served by being posted in a prepaid registered envelope addressed to the person to be served, unless the Court otherwise directs, and shall, at the expiration of such period of time as may to the Court seem proper from the time of posting, be deemed to have been served, unless the contrary appears. The service of every petition, notice or other document not served by the Court shall be verified by affidavit, unless the Court otherwise directs.
- Mode of service
- 11.** The petition shall, as to all its paragraphs, be verified by affidavit and there shall be annexed to the affidavit all certificates, consents and other documents necessary for proving the averments in the petition.
- Verification by affidavit
- 12.** The infant shall be a respondent to the petition and, as soon as practicable after the filing of the petition, the Court shall appoint a guardian *ad litem* to the infant and the Court shall thereupon cause the petition and all documents annexed thereto to be served on the guardian *ad litem*.
- Guardian *ad litem*
- 13.** When a guardian *ad litem* has been appointed, the Court shall appoint a day for the hearing of the petition and shall give notice to all parties, including the guardian *ad litem*, of the day so appointed. The notice shall be served not less than seven clear days before the day appointed for the hearing and shall be in accordance with Form 4 in the First Schedule.
- Notice of hearing
- 14.** All documents filed in the Court shall be confidential and shall be kept secret by the Court. Every petition and every application shall be heard and determined *in camera*.
- Secrecy
- 15.** No copy or duplicate of any order or any extract therefrom made by the Court shall be given to or served upon any person other than the petitioner and the Registrar-General, unless the Court otherwise directs.
- Restriction as to service of orders

16. (1) It shall be the duty of the guardian *ad litem* to investigate as fully as possible all the circumstances of the infant and the petitioner and all other matters relevant to the proposed adoption with a view to safeguarding the interests of the infant, and in particular it shall be his duty to include in his investigation the following questions:

Duties of guardian ad litem

- (a) whether the statements in the petition are true;
- (b) whether any payment or other award in consideration of the adoption has been received or agreed upon, and whether it is consistent with the welfare of the infant;
- (c) whether the means and status of the petitioner are such as to enable him to maintain and bring up the infant suitably, and what right to or interest in property the infant has;
- (d) what insurance, if any, has been effected on the life of the infant;
- (e) whether it is desirable for the welfare of the infant that the Court should be asked to make an interim order or to impose, in making an adoption order, any particular terms or conditions or to require the petitioner to make any particular provision for the infant.

(2) The guardian *ad litem* shall make inquiries as to all matters alleged in the petition and as to the Additional Matters specified in the Second Schedule and report to the Court upon them. It shall also be his duty to attend the Court whenever required for the purpose and on the hearing of the petition.

17. The guardian *ad litem*, and, where a body of persons is appointed guardian *ad litem*, any officer or agent of that body, shall regard all information obtained in the course of the investigation or otherwise in relation to the matter as confidential and shall not divulge any part of it to any person save as may be necessary for the proper execution of his duty.

Information to be confidential

18. The Court may refuse to make an adoption order or an interim order unless all parties, including the infant, attend before the Court, but it shall have power in its discretion to dispense with the attendance of any party, including the infant; and the Court may direct that any of the parties shall attend separately and apart from the others, or that any party, including the infant, shall be interviewed privately by the Court or its officers.

Presence of parties

19. If, owing to special circumstances, an application appears to a subordinate court to be more fit to be dealt with by the High Court, it may on that ground expressly refuse to make an order, and shall transmit the petition together with all other documents relating to the application to the High Court, and the High Court may proceed to hear and determine the application as if the application had been commenced before the High Court.

Cases more fit for the High Court

The Laws of Zambia

- 20.** An interim order may provide for the supervision of the infant by the guardian *ad litem* or otherwise as the Court may think fit. Supervision of infant
- 21.** Where the determination of an application is postponed and an interim order made, the petitioner shall, at least thirty days before the expiration of the date specified in the interim order, apply for the final determination of the application. The Court shall thereupon fix a time for the further hearing of the application and issue to every respondent a notice in Form 7 in the First Schedule. Notice of further hearing
- 22.** The Registrar of the High Court or a clerk of the court of a subordinate court shall be the prescribed officer for the purpose of subsection (5) of section *twelve* of the Act, and, upon the making of an adoption order, the prescribed officer shall forward a sealed copy thereof together with a copy of the petition to the Registrar-General in a registered, postal envelope marked "confidential". Prescribed officer
- 23.** The Court may make such orders as to costs as it shall think fit and may direct the costs to be taxed according to such one of the scale of costs applicable to actions in the High Court or subordinate court, as the case may be, as the Judge or magistrate shall determine. The Court may direct that all the costs of an application under the Act shall be borne and paid by the petitioner. Costs
- 24.** The Court shall keep in a place of special security all documents whatsoever relating to any application or order made under the Act. Safe custody of documents
- 25.** Subject to these Rules, the High Court Rules and the Subordinate Courts (Civil Jurisdiction) Rules respectively shall apply to proceedings under the Act so far as they are applicable. Procedure governing applications.
Cap. 27
Cap. 28
- 26.** Subject to these Rules, the fees to be taken and charged in respect of proceedings under the Act, and the costs, witnesses' expenses and travelling allowances to be allowed in such proceedings shall be, so far as may be applicable, the same as those prescribed for the time being by the High Court Rules and the Subordinate Courts (Civil Jurisdiction) Rules respectively. Fees, costs and allowances
Cap. 27
Cap. 28
- 27.** Forms 5 and 6 respectively in the First Schedule shall be used in making an adoption order and an interim order respectively. Adoption and interim orders
- 28.** The forms in the First Schedule shall be used with such variations as the circumstances may require. Forms may be varied

FIRST SCHEDULE

The Laws of Zambia
PRESCRIBED FORMS

The Laws of Zambia

FORM 1
(Rule 3)

THE ADOPTION RULES
PETITION

The Laws of Zambia

In the High Court for Zambia.

In the matter of A.B. an Infant
and

In the matter of the Adoption Act.

To: A Judge of the High Court.

The Petition of C.D. of (and E.D.
(born) his wife of the same address)

SHOWETH.-

1. Your Petitioner(s) is (are) desirous of adopting the said A.B. under the provisions of the Adoption Act.

2. Your Petitioner(s) is (are) resident at

3. Your Petitioner C.D. is unmarried (was married to your Petitioner E.D. at on the day of, 19.....).

4. Your Petitioner is by occupation a

5. Your Petitioner C.D. is years of age and your Petitioner E.D. is years of age.

6. Your Petitioner(s) has (have) resident with him (them) the following persons, namely

7. Your Petitioner C.D. (E.D.) is related to the said A.B. as follows
(or, Your Petitioner(s) is not (are not nor is either of them) related to the said A.B.).

8. The said A.B. is-

- (a) of the sex;
- (b) unmarried;
- (c) a child of and both of
- (d) resident in Zambia;
- (e) years of age, having been born on the day of 19....., at.....
- (f) resident at
- (g) now in the actual custody of of
- (h) under the guardianship of of
- (i) is entitled to the following property, namely.....

9. of
(and of) is (are) liable to contribute to the support of the said A.B.

10. The said A.B. has not been the subject of an adoption order or of an application or petition for an adoption order save that (state order and application or petition, if any).

11. Your Petitioner(s) undertakes (undertake) if an order is made on this Petition, to make for the said A.B. the following provision, namely

Your Petitioner(s) will, if required, secure the above provision by bond or otherwise as the Court may require.

12. Consents to the making of an adoption order have been obtained from the following persons and are annexed hereto, namely:

- (a) (Parents)
- (b) (Guardian)
- (c) (Actual custodian of Infant)
- (d) (Person or persons liable to contribute to support of Infant)
- (e) (Spouse of Petitioner)

13. Your Petitioner(s) has not (have not has either of them) received agreed to receive, and no person has made or given or agreed to make or give to the Petitioner(s) (or either of them) any payment or reward in consideration of the adoption of the said A.B. (except as follows, viz).....

14. It is proposed that the costs of this Petition shall be provided for as follows, namely:

The Laws of Zambia

THE ADOPTION RULES
PETITION

In the Subordinate Court of the First Class

Holden at

In the matter of A.Ban Infant

and

In the matter of the Adoption Act.

To: The Magistrate of the said Court.

(the same as in Form 1)

THE ADOPTION RULES
CONSENT TO ADOPTION ORDER

In the matter of a Petition by
of to the High Court
(or to the Subordinate Court of the First Class at)
for an order for the adoption of an Infant named

I, the undersigned,
of being-

- (a) the father of the Infant;
- (b) the mother of the Infant;
- (c) the guardian of the Infant;
- (d) a person liable to contribute to the maintenance of the Infant;
- (e) the person (acting on behalf of a body) having parental rights in respect of the Infant or liable to contribute to the maintenance of the Infant; or
- (f) the spouse of the Petitioner;

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 Petition for an adoption order in respect of the said A.B. is heard by the Judge (or Magistrate) 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:
- (3) I hereby consent to the making of an adoption order in pursuance of the said Petition (on condition that the religious persuasion in which the infant is brought up is

.....
Signature

Signed at on the
by the said [who satisfied me
that she fully understands the nature of the foregoing statement and was prepared to surrender her child for adoption].*(16)

Before me (signature)
(Address)

.....
Magistrate

* Delete words in square brackets except where the consenting party is the mother of the infant.

THE ADOPTION RULES
FORM OF NOTICE OF DAY APPOINTED FOR HEARING
(Heading as in Petition)

To of

TAKE NOTICE that a Petition has been presented in the above matter praying that an order may be made for the adoption of the above-named of and that of has been appointed guardian *ad litem* to the said Infant, and that the said Petition will be heard at a Court to be held at on the day of, 19....., at o'clock in the noon.
.....

.....
*Registrar of the High Court
or
Magistrate*

THE ADOPTION RULES
ADOPTION ORDER IN RESPECT OF AN INFANT NAMED A.B.
(Hearing as in Petition)

UPON reading the Petition of
of (full address)
(and of (born) his wife)
(hereinafter called the Petitioner(s)) for an Order under the Adoption Act authorising him/her/them to adopt
A.B.
an Infant the child/adopted child of

AND the said A.B. (hereinafter
called the Infant) being of the sex and never having been married:

AND the Petitioner/one of Petitioners
having attained the age of twenty-five years and being at least twenty-one 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 Act/being the mother/father of the
Infant:

[AND the names by which the Infant is to be known being]

[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
..... day of, 19....., in the Register of Births relates]:

AND the (probable) date of the birth of the Infant appearing to be the
day of, 19....., born at

[AND the infant having been previously the subject of an adoption order dated the
day of, 19....., of which particulars are entered in the Adopted Children Register]:

AND all the Consents required by the said Act being obtained or dispensed with:

IT IS ORDERED that the Petitioner/Petitioners 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 Registrar-General shall make in the Adopted Children Register an entry recording the
adoption:

(And it is further directed that the Registrar-General shall cause the said entry in the Register of Births to be marked with
the word "Adopted"):

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

Dated this day of, 19.....

Registrar of the High Court
or
Magistrate

The Laws of Zambia
THE ADOPTION RULES
INTERIM ORDER IN RESPECT OF AN INFANT NAMED A.B.
(Heading as in Petition)

UPON reading the Petition of, etc. (As in the Adoption Order, Form 5, down to and including the paragraph "And all the Consents required by the said Act being 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 Petitioner(s) for a period ending on the day of, 19....., by way of a probationary period, upon the following terms, namely: and that the Petitioner(s) shall at least thirty days before that date, apply for the final determination of the Petition.

As regards costs it is ordered that.....

.....
*Registrar of the High Court
or
Magistrate*

THE ADOPTION RULES

NOTICE OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN INFANT NAMED A.B.

Whereas a Petition for an order under the Adoption Act, authorising the adoption of A.B.
an Infant of the sex born on the day of, 19.....,
was made by

AND WHEREAS
of was appointed guardian *ad litem* of the said Infant:

AND WHEREAS the determination of the said Petition was postponed and an interim order was made by the
..... Court holden at on
the day of, 19.....:

TAKE NOTICE that the said Petition will be further heard before the
Court holden at on the day of, 19.....,
at the hour of o'clock in the noon, and that you may
appear to show cause why the adoption order should not be made.

Dated the day of, 19.....

.....
Registrar of the High Court
or
Magistrate

The Laws of Zambia
SECOND SCHEDULE

THE ADOPTION RULES
(Rule 16)

ADDITIONAL MATTERS SUBJECT TO INVESTIGATION AND REPORT BY GUARDIAN *AD LITEM*

PART I

The Petitioner

1. In the case of a joint application, how long the persons concerned 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) such persons have.
4. What is the age and sex of all children living in the home of those persons, and what is their relationship to them.
5. What number of living-rooms and bedrooms are contained in the said home, and what is the condition of the home.
6. What are the means of such persons.
7. Whether either of them 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 them without reservation.
9. Whether such persons 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 local authority as a fit person under the Children and Young Persons Act, 1933, of the United Kingdom, or a resolution for the assumption by a local authority of parental rights, is in force in respect of the infant.

PART III

The Laws of Zambia

The Parents

13. Whether the mother consents to the adoption and identifies the birth certificate (if any) attached to the notice of application as the birth certificate of the infant.
14. Whether the father consents to the adoption.
15. If the infant is illegitimate, whether an affiliation order has been made against any person adjusted 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.
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 order which is irrevocable, and that the order if made will deprive him or her of all rights in respect of the maintenance and upbringing of the infant?
19. Where the statement of application requests the Court to dispense with the consent of the parent, or either of the parents, on the ground that he or she cannot be found, what steps have been taken to trace him or her.

SECTION 37-THE ADOPTION (FEES) REGULATIONS

Statutory Instrument
58 of 1994
102 of 1996

Regulations by the Minister

1. These Regulations may be cited as the Adoption (Fees) Regulations. Title

2. A person who intends to adopt a child under the Adoption Act shall, before doing so, pay to the Court a fee as set out in the Schedule. Fee
Cap. 218

SCHEDULE

(Regulation 2)

PRESCRIBED FEES

	Fee Units
Adoption certificate	556
Search fee	14
Alteration of register	9
Affidavit in support of application for Registrar's certificate	14

(As amended by S.I. No. 102 of 1996)

Endnotes

1 (Popup - Popup)

Here set out the arrangements.

2 (Popup - Popup)

If the father or mother is dead this fact should be stated.

3 (Popup - Popup)

If the father or mother is dead this fact should be stated.

4 (Popup - Popup)

Delete if inapplicable.

5 (Popup - Popup)

Here set out the arrangements.

6 (Popup - Popup)

If there are no financial arrangements write "none".

7 (Popup - Popup)

Insert capacity, i.e. parent, guardian or person concerned in making the arrangements for the adoption.

8 (Popup - Popup)

Here insert the appropriate words, i.e. father, mother, guardian, person having the actual custody, a person liable to contribute to the support, etc.

9 (Popup - Popup)

Delete whichever is inapplicable.

10 (Popup - Popup)

Delete as required

11 (Popup - Popup)

Delete as required

12 (Popup - Popup)

Delete as required

13 (Popup - Popup)

Delete as required

14 (Popup - Popup)

Delete as required

15 (Popup - Popup)

Delete as required

16 (Popup - Popup)

Delete words in square brackets except where the consenting party is the mother of the infant.