

## **NATIVE COURT ADOPTION REGULATIONS, 1961 (G.N.S. 126 of 1961)**

In exercise of the powers conferred upon him by subsection (9) of section 22 of the Adoption Ordinance 1960 [*Ord. No. 23 of 1960*], and all other powers thereunto him enabling, the Secretary for Local Government hereby makes the following regulations:

1. These regulations may be cited as the Native Court Adoption Regulations 1961 and shall come into force upon the same date\* as the Adoption Ordinance 1960 shall come into operation.

2. (1) In these Regulations -

“adoption order” means an order made under subsection (2) of section 22 of the Ordinance;

“applicant” includes either, as well as both, of two joint applicants;

“Court” means a Native Court;

“the Ordinance” means the Adoption Ordinance 1960;

“registration order” means an order made under subsection (5) of section 22 of the Ordinance.

(2) A form referred to by number means the form so numbered in the Schedule to these Regulations.

3. All proceedings under section 22 of the Ordinance shall be disposed of in Chambers:

Provided that, where the Court considers that the native law or custom applicable requires that the adoption be made publicly, the Court may order the proceedings to be held in open court.

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\* In force 1st November 1961 – See G.N.S 125/61.

4. An application for an adoption order or for a registration order shall be made to the Court having jurisdiction wherein the applicant is ordinarily resident and shall be in Form 1, to which shall be attached any documents referred to in the application.
5. Any document signifying the consent of any person to the making of an adoption order shall be in Form 2.
6. If it appears that an applicant has previously made an application to any Court for an adoption order in respect of the same infant and that the Court has dismissed the application on its merits, the Court shall not proceed with the application unless satisfied that there has been a substantial change of circumstances since the previous application.
7. (1) As soon as possible after receipt of the application the Court shall fix a time for the hearing of the application and shall serve a notice in Form 3 on the following persons -
  - (a) in any case where the Court considers that the infant may be able to understand the nature of the order, the infant;
  - (b) in the case of an application for an adoption order, the applicant and every person whose consent is required under subsection (3) of section 22, and any other person who, in the opinion of the Court, ought to be served with such notice;
  - (c) in the case of an application for a registration order, the applicant and any person who, in the opinion of the Court, ought to be served with such notice.
8. The Court shall not make an adoption order or a registration order except after personal attendance before it of the applicant and, where a notice in Form 3 has been served on the infant, of the infant:

Provided that where the application is made by two spouses jointly, the Court may dispense with the personal attendance of one of the applicants:

And provided further that, where it appears to the Court that there are special circumstances making the infant's attendance unnecessary and the Court is satisfied that

the infant has been informed of the nature of the order for which application has been made, the Court may dispense with the personal attendance of the infant.

9. An adoption order shall be drawn up in Form 4 and a registration order shall be drawn up in Form 5. As soon as possible after the making of the order, the Court shall send a sealed copy to the District Officer and shall deliver or send a copy to the applicant.

10. The Court shall not supply a copy of an adoption order or of a registration order except –

- (a) in accordance with the provisions of the last foregoing regulations;
- (b) at the request of the Registrar; or
- (c) on the application of any other person under an order of the Court.

11. Where an adoption order or a registration order is made or refused the Court shall serve notice to that effect on all parties who were not present when the order was made or refused.

12. An application by the adopter or the adopted person to amend an adoption order or a registration order by the correction of any error in the particulars contained therein may be made to the Court by which the order has been made and may be made *ex parte* in the first instance, but the Court may require notice of the application to be served on such persons as the Court thinks fit. As soon as possible after the making of the amendment, the Court shall sent to the District Officer a notice giving particulars of the adoption order or registration order and of the amendment made thereto.

13. The fee for filing an application for an adoption order or for a registration order shall be ten ringgit, and the fee for an application for amendment under regulation 12 shall be two ringgit.

SCHEDULE  
FORM 1  
NATIVE COURT ADOPTION REGULATIONS 1961  
(Regulation 4)

Application for an Adoption Order / Registration Order  
in the ..... Native Court

Adoption / Registration Application No. ....  
of .....

1. I/We, the undersigned, hereby apply for an adoption order / registration order in respect  
of ..... under section 22 of the Adoption Ordinance 1960.

2. My/Our particulars and the particulars of the infant are set out in the attached annex.

Dated this ..... day of ....., 19.....

Usual signature of the applicant(s)

ANNEX

*Particulars of Applicant(s)*

Name(s) in full .....

Address .....

Occupation .....

Date of Birth .....

Whether single/married/widow/widower .....

Name of spouse .....

Relationship to infant .....

How long infant has been in applicant's care .....

Whether the applicant has received or agreed to receive any payment or other reward in

consideration of the adoption .....

Whether a previous application for an adoption order/registration order in respect of the same or any other infant to any Native Court has been made .....

PARTICULARS OF INFANT

Name in full .....

Address .....

Date of Birth .....

Name of Parent or Guardian .....

Whether any person is liable to contribute to the maintenance of the infant .....

Whether the infant has been previously adopted and by whom .....

FORM 2  
NATIVE COURT ADOPTION REGULATIONS 1961  
(Regulation 5)  
Consent to an Adoption Order

Whereas ..... has applied to adopt .....

I ..... being ..... of the infant [and the spouse of the applicant] hereby state:

- (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 application is heard by the Native Court, this document may be used as evidence.
- (3) I consent to the making of an adoption order in pursuance of the said application [on condition that the religious persuasion in which the infant is brought up is .....

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

Signed at ..... on ..... by the said  
..... who satisfied me that he/she fully  
understood the nature of the foregoing statement and was prepared to surrender the said infant  
for adoption.

Before me,

Signature .....

Address .....

.....

Description .....

FORM 3  
NATIVE COURT ADOPTION REGULATIONS 1961  
(Regulation 7)

Notice of hearing of an Application for an Adoption Order/Registration Order

To ..... of .....

Whereas ..... has applied for  
an adoption order/registration order in respect of .....

.....

Take notice that the said application will be heard at .....  
on the ..... 19 , at ..... a.m./p.m. and that you may/shall appear  
and show cause why the adoption order/registration order should or should not be made.

Dated the ..... day of ..... , 19 ..

NATIVE CHIEF

I acknowledge receipt of the above notice.

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

FORM 4  
NATIVE COURT ADOPTION REGULATIONS 1961  
(Regulation 9)  
ADOPTION ORDER

Application having been made by ..... for an adoption order under section 22 of the Adoption Ordinance 1960 in respect of ....., an infant;

And the name by which the infant is to be known being .....

And all the consents required by the said Ordinance being obtained or dispensed with:

It is ordered that the applicant(s) be authorised to adopt the infant;

And the following payment or reward is sanctioned:

And it is directed that the Registrar shall make in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

Dated at ..... this day of ....., 19 ..

Seal ..... Native Chief

SCHEDULE TO FORM 4

Date and country of birth of infant	Name and surname of infant	Sex of infant	Number and district of infant's birth certificate	Name and surname, address and occupation of adopter(s)	Date of adoption order

FORM 5  
NATIVE COURT ADOPTION REGULATIONS 1961  
(Regulation 9)

Registration Order

Application having been made by ..... for an order under section 22 of the Adoption Ordinance 1960 registering the adoption by him/her/them of ....., an infant;

And the applicant(s) having produced evidence to the satisfaction of this Court that prior to the commencement of the Adoption Ordinance the infant had been adopted by the applicant(s) in such circumstances as would, prior to the commencement of this Ordinance, have been accepted by this Court as satisfactory;

And the infant has since adoption been known as

.....

It is ordered that the adoption be registered in the records of the Court.

And it is directed that the Registrar shall make in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

Dated at ..... this day of ....., 19 .....

Seal ..... Native Chief

SCHEDULE TO FORM 5

Date and country of birth of infant	Name and surname of infant	Sex of infant	Number and district of infant's birth certificate	Surname, address and occupation of adopter(s)	Date of registration order