



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3771 OF 22ND JULY, 1954.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 36 OF 1954.

A LAW TO PROVIDE FOR THE ADOPTION OF CHILDREN.

R. P. ARMITAGE,]
Governor.

[16th July, 1954.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Adoption Law, 1954.

Short title.

PART I.—PRELIMINARY.

Interpreta-
tion.

2.—(1) In this Law, unless the context otherwise requires—

“abroad” means outside the Colony ;

“adoption Order” has the meaning assigned to it by section 3 ;

“Court” means the District Court of the district where the adopter resides at the time of the application and, where the adopter is of the Moslem faith, the Turkish Family Court of the district where such adopter resides at the time of the application ;

“custodian” has the meaning assigned to it by subsection (3) of section 16 ;

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

“guardian”, in relation to an infant, means a person appointed by deed or will or by a Court of competent jurisdiction to be the guardian of the infant ;

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

“interim order” means an order under section 8 ;

“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, 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 ;

“religious authority” includes any minister of religion of any religious community celebrating under its law and rites an adoption ceremony ;

“welfare officer” means a person appointed by the Governor to be a welfare officer under this Law.

(2) For the purposes of this Law, 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.—ADOPTION ORDERS.

Making of Adoption Orders.

3.—(1) Subject to the provisions of this Law, the Court may, upon an application made in the prescribed manner by a person domiciled in the Colony or who has been residing in

Power to
make
adoption
orders.

the Colony for the last two years immediately preceding the date of the application, make an order (in this Law referred to as an "adoption order") authorizing the applicant to adopt an infant.

(2) An adoption order may be made on the application of two spouses authorizing them jointly to adopt an infant.

(3) An adoption order may be made authorizing 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 and is at least eighteen years older than the infant ; or

(b) has attained the age of twenty-one 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 sub-section (2) of section 3, an adoption order shall not be made authorizing more than one person to adopt an infant.

(4) Subject to the provisions of section 5, an adoption order shall not be made—

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

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

(5) An adoption order shall not be made unless—

(a) the infant resides in the Colony ;

(b) where under the law of the religious community of the adopter a religious ceremony is necessary, a certificate from the proper religious authority, to the effect that such a ceremony has been gone through, is produced.

(6) An adoption order shall not be made in respect of any infant unless—

- (a) 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
- (b) the applicant has, at least three months before the date of the order, notified the welfare officer within whose area he is for the time being resident of his intention to apply for an adoption order in respect of the infant.

Consent to
adoption.

5.—(1) The Court may dispense with any consent required by paragraph (a) of sub-section (4) of section 4 if it is satisfied—

- (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 the consent or that the spouses have 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 (not being the consent of the infant) may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is 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 sub-section (4) of section 4 does not attend in the proceedings for the purpose of giving it, then, subject to the provisions of sub-section (3), a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.

Evidence of consent of parent or guardian.

(2) Where any such document is attested by a member of a District Court or a judge of a Turkish Family Court, as the case may be (or, if executed outside the Colony, by a person of any such class as may be prescribed), the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed ; and for the purposes of this sub-section, 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.

(3) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—

- (a) the infant is at least six weeks old on the date of the execution of the document ; and
- (b) the document is attested on that date by a member of a District Court or, by a judge of a Turkish Family Court or, by a person of a class prescribed for the purposes of sub-section (2), as the case may be.

7.—(1) The Court before making an adoption order shall be satisfied—

Functions of Court as to adoption orders.

- (a) that every person whose consent is necessary under this Law, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights ;
- (b) that the 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 ; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction.