

No. S 7

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

ISLAMIC ADOPTION OF CHILDREN ACT (AMENDMENT) ORDER, 2012

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Amendment of section 8 of Chapter 206.
 3. Insertion of new sections 9A and 9B.
 4. Substitution of section 11.
 5. Amendment of section 16.
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In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order –

Citation.

1. This Order may be cited as the Islamic Adoption of Children Act (Amendment) Order, 2012.

Amendment of section 8 of Chapter 206.

2. Section 8 of the Islamic Adoption of Children Act, in this Order referred to as the Act, is amended –

(a) in subsection (9) –

- (i) in paragraph *(a)*, by deleting “or” from the last line;
- (ii) in paragraph *(b)*, by deleting the full stop from the last line and by substituting “; or” therefor;
- (iii) by adding the following new paragraph –

“*(c)* the applicant or the child is not ordinarily resident in Brunei Darussalam.”;

(b) by adding the following new subsection –

“{11} An adoption order shall not be made unless the child has been continuously in the custody and care of the applicant for a period of at least 6 months before the application of an adoption order is made.”.

Insertion of new sections 9A and 9B.

3. The Act is amended by inserting the following 2 new sections immediately after section 9 –

“Child custody.

9A. (1) The Court may, at any time, by order, place a child in the custody of the adopter or return the child to his parent.

(2) If special circumstances exist which render it unfit for the child to be placed in the custody of any person referred under subsection (1), the Court may order that the child be placed in the custody of any other person or any institution as the Syar'ie Judge thinks fit.

(3) In determining in whose custody the child shall be placed, the Court shall take into account the *maslahah* of the child.

Application to revoke adoption order.

9B. (1) An adopter who wishes to discontinue the adoption of a child shall make an application, in such form and manner as the Court may determine, for the adoption order to be revoked.

(2) Notwithstanding subsection (1), the Syar'ie Judge shall have the power to revoke an adoption order if he is satisfied that, in the particular circumstances, it is reasonable for the *maslahah* of the child to do so.”

Substitution of section 11.

4. Section 11 of the Act is repealed and the following new section substituted therefor —

“Conditions of adoption order.

11. (1) The Syar'ie Judge in making an adoption order may impose such conditions as in the opinion of Syar'ie Judge is necessary and expedient.

(2) Without prejudice to generality of subsection (1), the Syar'ie Judge may impose the following conditions —

(a) make provisions for the custody, maintenance, education and supervision of the welfare of the child and may require the adopter to give a bond otherwise; and

(b) subject to section 9B, require the adopter to make an application to revoke the adoption order if he so wishes to discontinue with the adoption.”.

Amendment of section 16.

5. Section 16 of the Act is amended —

(a) in the section heading, by inserting “or interim” immediately after “adoption”;

(b) by inserting “or an interim order” immediately after “order” in the first line;

(c) by inserting “or the person to whom an interim order is made” immediately after “adopter” in the second line;

(d) by inserting “or any term in respect of the interim order” immediately after “order” in the third line.

Made this 8th. day of Rabiulawal, 1433 Hijriah corresponding to the 1st. day of February, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM