

S.P. 23/16



ST. HELENA

GOVERNMENT OF SAINT HELENA

THE WELFARE OF CHILDREN (AMENDMENT) ORDINANCE 2016

Laid on the table - 18 March 2016.



**ST HELENA
NO. OF 2016**

Enacted.....
Date of Commencement.....
Published in the Gazette.....

A BILL

FOR

AN ORDINANCE

to amend the Welfare of Children Ordinance, 2008, so as to make further provision for parental responsibility for unmarried biological fathers and to review the provisions relating to official foster care and interim orders; and for purposes connected therewith or incidental thereto.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Citation, interpretation and commencement

1. (1) This Ordinance may be cited as the Welfare of Children (Amendment) Ordinance, 2016, and shall come into force on

(2) In this Ordinance, “the principal Ordinance” means the Welfare of Children Ordinance, 2008.

Acquisition of parental responsibility by biological father

2. Section 12(1) of the principal Ordinance is amended by inserting the following paragraph after paragraph (a):

“(aA) the biological father acquires parental responsibility for the child upon becoming registered as the child’s father under—

- (i) section 10(1) of the Births and Deaths (Registration) Ordinance, Cap. 79 (and under this provision as applied to births in Ascension and Tristan Da Cunha); or
- (ii) section 6 of the Registration Ordinance 1949 (Falklands); or
- (iii) section 10(1)(a), (b) or (c) and section 10A(1) of the Births and Deaths Registration Act 1953; or
- (iv) sections 18(1)(a), (b)(i) or (c), 18(2)(b) and 20(1)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965; or
- (v) Article 14(3)(a), (b) or (c) of the Births and Deaths Registration (Northern Ireland) Order 1976; or

(vi) section 10 of the Births and Deaths Registration Act, 1992 (South Africa).

Registration of official foster carers

3. The following sections are inserted in the principal Ordinance after section 33:

“Registration of official foster carers

33A. (1) The Department shall maintain a register of official foster carers.

(2) A person who wishes to register himself as an official foster carer, may apply to the Department in such manner as may be prescribed.

(3) The Department may—

(a) register the applicant on such conditions as it thinks fit;

(b) require the applicant to fulfil such conditions as it thinks fit before registering; or

(c) refuse the applicant’s application for registration.

(4) The Department may, as it thinks fit, suspend or cancel the registration of an official foster carer or impose any conditions, where it is satisfied that—

(a) there has been a breach of any regulation made under section 35 or any condition subject to which an application was granted;

(b) the safeguarding foster carer or a person residing at his home has been charged with or convicted of a serious offence; or

(c) the welfare of children placed with the safeguarding foster carer requires such action to be taken.

5 ~~(3)~~ Before exercising its powers under subsection ~~(3)(c)~~, ~~(4)~~ or ~~(5)~~⁴, the Department shall give the applicant a reasonable opportunity to present his views to the Department in person or in writing, as the Department thinks fit.

6 ~~(4)~~ Where the Department exercises its powers under subsection ~~(3)(c)~~, ~~(4)~~ or ~~(5)~~⁴, it shall inform the applicant, in writing of the reason for its decision.

Disqualifications

33B. (1) A person who is disqualified by regulations under section 69(1) from fostering a child privately shall be deemed unsuitable to be an official foster carer unless he has disclosed to the Department the fact that he is so disqualified and has obtained its written consent.

(2) A person who fails to disclose that he is disqualified under subsection (1) is guilty of an offence for which the maximum penalty on conviction is a fine of £5,000.

(3) Where the Department refuses to give its consent under this section, it shall inform the applicant in writing the reason for its refusal.”.

Repeal of time limit on Interim Orders

4. Section 46 of the principal Ordinance is amended—

(a) by deleting paragraphs *(a)* and *(b)* of subsection (4); and

(b) by deleting subsection (5).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

The purpose of this Ordinance is to amend the Welfare of Children Ordinance, 2008, to further regulate parental responsibility of unmarried biological fathers and to review the provisions relating to official foster care. The time limit on interim orders is also removed.