

INFANTS AMENDMENT BILL 2015

SAMOA

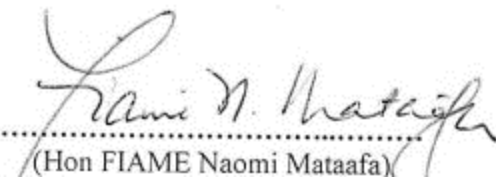
Explanatory Memorandum

Introduction

The Bill seeks to amend the Infants Ordinance 1961 (“Ordinance”). The objective of the Bill is to clarify that if an application for adoption of an infant by two (2) applicants where one of them is a citizen, then the application is not to be treated as an “overseas adoption”.

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Infants Amendment Act 2015, and will commence on the date of assent by the Head of State.
- Clause 2:** - substitutes the definition of “overseas adoption” under section 2 of the Ordinance with a new definition.
- Clause 3:** - amends section 7A by inserting a new subsection (5) to clarify that if an applicant for an adoption is a citizen, the application is not to be treated as an overseas application.
- Clause 4:** - provides for transitional provision to clarify that an order for adoption made before the commencement of this proposed amendment Act by two (2) applicants where one of them is a citizen is treated not to be an overseas adoption.



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(Hon FIAME Naomi Mataafa)

**MINISTER FOR JUSTICE AND
COURTS ADMINISTRATION**

INFANTS AMENDMENT BILL 2015

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Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 7A amended
4. Transitional

2015, No.

A BILL INTITULED

AN ACT to amend the Infants Ordinance 1961 (“Ordinance”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Infants Amendment Act 2015.

(2) This Act commences on the date of assent by the Head of State.

2. Section 2 amended - In section 2 of the Ordinance, for the definition of “overseas adoption”, substitute:

““overseas adoption” means any application for adoption of an infant where the applicant or all the applicants are not citizens;”.

3. Section 7A amended - In section 7A of the Ordinance, after subsection (4) insert:

“(5) To avoid doubt, an adoption order is not treated as an overseas adoption if one of the applicants for the adoption order is a citizen.”.

4. Transitional - Any adoption order made before the commencement of this Act in relation to an application for an adoption of an infant made by two (2) applicants where one of them is a citizen is treated not to be an overseas adoption.
