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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

SABARAGAMUWA PROVINCE PROVINCIAL COUNCIL

(Ministry of Social Welfare, Probation and Childcare, Rural Development and Rural Industries)

Children's Home Statute No. 04 of 2014 of the Sabaragamuwa Provincial Council

Honourable Chairman of the Sabaragamuwa Provincial Council certified on 14.05.2015

Honourable Governor of the Sabaragamuwa Provincial Council assented on 26.05.2015

Printed by order of the Sabaragamuwa Provincial Council

CHILDREN'S HOME STATUTE No.04 OF 2014 OF THE SABARAGAMUWA PROVINCIAL COUNCIL

Children's Home Statute No. 04 of 2014 of the Sabaragamuwa Provincial Council which is passed by the Sabaragamuwa Provincial Council on 30.09.2014 and assented to by the Honourable Governor of the Sabaragamuwa Province on 26.05.2015 is hereby published for the information of the public.

LALITH DODAMKOTUWA,
Council Secretary,
Sabaragamuwa Provincial Council.

On this 1st day of June, 2015,
At the Sabaragamuwa Provincial Council.

CHILDREN'S HOME STATUTE No. 04 OF 2014 OF THE SABARAGAMUWA PROVINCE PROVINCIAL COUNCIL

A STATUTE TO PROVIDE FOR THE REGISTRATION, SUPERVISION, ADMINISTRATION AND CONTROL OF INSTITUTIONS FOR THE CARE AND DEVELOPMENT OF ORPHANS AND DESERTED, DESTITUTE AND MOLESTED CHILDREN IN THE SABARAGAMUWA PROVINCE AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO, THE ORPHANS ORDINANCE NO. 22 OF 1941 (CHAPTER 142) IS INCONSISTANT WITH THIS STATUTE

Be it enacted by the Sabaragamuwa Province Provincial Council of Democratic Socialist Republic of Sri Lanka as follows :

1. This Statute may be cited as the Children's Home Statute No. 04 of 2014 of the Sabaragamuwa Province Provincial Council.

Short title



- Date of Operation 2. This Statute shall come into operation on such date as the Governor of the Sabaragamuwa Province may appoint.

PART I

OBJECTS AND FUNCTIONS

- Objects and functions 3. The object of this Statute is to execute following functions for the benefit of the orphans and deserted, destitute and abused children from birth up to 18 years of age in the Sabaragamuwa Province
- (1) To provide custody protection and care in a residential background ;
 - (2) To provide balanced food to suit the age and growth ;
 - (3) To provide hygienic and environment friendly clothing ;
 - (4) To facilitate mental well-being and development ;
 - (5) To provide formal and informal education and vocational training that suits the age ;
 - (6) To provide aesthetic, sports and other facilities to improve skills and creativity ;
 - (7) To provide media facilities to improve aesthetic senses ;
 - (8) To provide library and other facilities to improve knowledge and intelligence ;
 - (9) To facilitate the religious, cultural, moral and spiritual development ;
 - (10) To establish proper relations with relatives and guardians and to socialize as appropriate at the correct time.
- Duties of the Provincial Department of Probation and Childcare Services and Provincial Commissioner of Probation and Childcare Services 4. The provincial Commissioner of Probation and Childcare Services shall be vested with the operation, supervision and administration of the relevant duties entrusted for the purpose of this Statute to the Provincial Department of Probation and Childcare Services.

PART II

REGISTRATION OF CHILDREN'S HOMES

- Children's Homes 5. Every institution in the Sabaragamuwa Province, which receives the orphans and deserted, destitute and abused children from birth up to 18 years of age in the Sabaragamuwa Province and provides protection and residential care for them, shall be deemed as a Children's Home from the date of operation of this Statute.
- Children's Homes to be registered 6. (1) Every Children's Home in the Sabaragamuwa Province shall be registered under the Statute.
- (2) Every government, non-government, semi-government or government affiliated Children's Home which was commended prior to the date of operation of this Statute and was registered and maintained under the Children's Homes Ordinance No. 22 of 1941, shall be re-registered as a Children's Home with the Sabaragamuwa Provincial Department of Probation and Childcare Services under this Statute.
 - (3) The registration shall be permitted having regard to the previous inspections done by the Commissioner and to the prior registration and be renewed upon the review conducted after every three years.

- (4) Every Children's Home established after the date of operation of this Statute shall be registered under this Statute. Admission of children to the institute shall be done through the Commissioner only after the registration.
- (5) In terms of the Statute Sabaragamuwa Provincial Commissioner of Probation and Child Care Services shall act as the register of registering the children's homes in the Sabaragamuwa Province. Registrar of registration
7. (I) Every Children's Home applying for registration under Section 6 above, shall have fulfilled following qualifications : Prerequisites for registration
- (a) Being any registered government non-government, semi-government or government affiliated institute with a constitution the objective of which shall be to maintain an children's home ;
- (b) Having met the minimum requirements for at least ten children ;
- (c) The Children's home shall be located in a healthy environment conducive for the mental development of the children ;
- (d) The legal possession of all movable and immovable properties shall compulsorily lie with the institute running the children's home.
- (II) There shall maintain an account in favour of the children's home in a State Bank and the Minister may require from time to time by regulations the minimum balance to be maintained in such account to meet the expenses for the maintenance of employees, the payment of electricity and water bills and for the maintenance of children.
- The manager of every children's home shall made an application to the Commissioner in the prescribed specimen from given in the First Schedule to this Statute for the purpose of registration of the children's home. Manner to apply for registration
9. The Commissioner shall, upon the receipt of an application to register a Children's Home, require the Probation Officer in-Charge of the Judicial Zone or any Probation Officer of the province authorized for the purpose by the Commissioner to submit him a report on the following ; Call for records
- a. Whether the Children's Home has fulfilled the qualifications for the registration specified in Section 6 and 7 ;
- b. Whether the Children's Home complies with the standards prescribed under Section 25 of this Statute.
10. The officer concerned shall upon being required as referred to in the Section 9 of this Statute, submit such report to the Commissioner within four (04) weeks. Submission of records
11. The Commissioner shall immediately upon the receipt of the report referred to in Section 10 of this Statute, visit the Children's Home to examine whether such Children's Home caters to the utmost benefit of the inmate children and whether the management of the Children's and whether the management of the Children's Home has complied with the prescribed standards if such Children's Home remains a Children's Home at the time of seeking registration. Inspection by the Commissioner

Registraion	12. (1) If the Commissioner is satisfied after the inspection prescribed in Section II, he shall register the Children's Home within three months from the date of such inspection ; (2) The Commissioner and the Managements of the Children's Home shall with the registration under Section (1) above, enter into an agreement stipulation specific conditions pertaining to the maintenance of the Children's Home.
Registration certificate	13. When a Children's Home which fulfills the requirements for the registration as established at the inspection by the Commissioner on the receipt of the report referred to in Section 10 of this Statute, enters into an agreement and when such registered under Section 12 above, the Commissioner shall issue such registered Children's Home with a certificate in the form as specified in the Schedule 2. (a) The Commissioner shall maintain a Register for the purpose of recording the name, address, the number and date of registration of every registered Children's Home, the name of voluntary organization and such other information if any, as the Commissioner may deem necessary.
Notice on non-registration	14. If it is established that any Children's Home applying for the registration does not fulfill the requirements specified in Section 7, the Commissioner shall give notice to the manager such Children's Home informing with reasons that such Children's Home can not be registered.
Appeal	15. Any Manager aggrieved by such notice referred to in Section 14 of this Statute, may make an appeal in that regard to the Secretary within thirty days from the date of such notice.
Decisions on Appeals	16. The Secretary or a Committee consisting of two officers appointed by him holding parallel or higher office than the Commissioner shall within sixty days from the receipt of an appeal under Section 15 of the Statute, conduct an inquiry in that regard and made either of the following decisions. (i) To inform the Manager with a copy to the Commissioner that the Children's Home can not be registered ; (ii) To inform the Commissioner to take actions to register the Children's Home ; or (iii) To grant a grace period not exceeding one year to fulfill requirements stipulated in Section 7.
Implementation of decisions	17. (1) Where the Commissioner is informed to take actions to register in terms of Section 16, he shall implement such decision within a period of one month and inform thereof to the Secretary. (2) The Commissioner shall re-inspect the relevant Children's Home as and when the Manager of such Children's Home makes an application at or prior to the end of the grace period granted under Section 16 of this Statute, and shall make a decision to or not to register such Children's Home and intimate such decision to the Commissioner of Probation and Childcare Services and to the Manager of the relevant Children's Home.
Cancellation of registration of a Children's Home	18. The Commissioner shall have the power to cancel the registration of a Children's Home in any of the following circumstances upon an inquiry conducted either by him or any other official authorized by him ; (1) Where the Commissioner of Probation and Childcare Services accepts the notice in writing given to him three months prior to the proposed date of closure by the

government, non-government, semi-government, and government affiliated institution which runs the Children's Home intimating that it can not maintain such Children's Home as resolved by the majority of votes of its members present at a constitutional meeting.

- (2) Where it becomes difficult to appoint a competent authority under Section 33 of the Statute or such competent authority finds it impossible to carry out his duties ;
 - (3) Where the board of management of the Children's Home fails to maintain the Children's Home in conformity with the standards prescribed in terms of Section 23 of this Statute and in compliance with the regulations, conditions and circulars made and issued from time to time ;
 - (4) Where it becomes impossible to appoint a new board of management for the Children's Home in terms of Section 37 of this Statute ;
 - (5) Where the management of the Children's Home fails or neglects to comply with the conditions of the agreement entered into in terms of Section 12 of this Statute.
19. The Commissioner shall immediately upon deciding to cancel the registration of a Children's Home in terms Section 18 of the Statute, inform thereof to the manager of such Children's Home by registered post.
- Notice on
cancellation of
registration
- (a) Otherwise action should be taken to hand over through the Supervising Probation Officer of the relevant children home.
 - (b) It should be exhibited by affixing a written notice on a visible place of building.
20. (I) Where the Board of Management of such Children's Home is not in agreement with the decision of the Commissioner under Section 19 of this Statute, the Manager may within fourteen days from the date of such decision made an appeal by registered post to the Commissioner with a copy to the Secretary.
- Submission of
Appeals
- (II) When an appeal is made under Sub Section (I) above, the relevant Board of Management shall have the power to maintain the affairs of the Children's Home until such times the decision of the Secretary thereon is delivered.
21. (I) When an appeal is received by the Secretary in terms of Section 20 of this Statute, he shall appoint a committee consisting of three officials holding a post equal to higher to the rank of the Commissioner and shall after the inquiry conducted by the said official committee, make any of the following decisions ;
- Decision of the
Secretary
- (a) to activate the registration ;
 - (b) to confirm the cancellation of registration ; and
 - (c) to defer for three (03) months the cancellation of registration until such time the conditions prescribe by the Secretary in regard to the determination of the Commissioner are fulfilled
- (2) (a) The Secretary shall within one month from the date of receipt of the appeal ; intimate the manager with a copy of the Commissioner the decision of made under Subsection 20(1) above.

(b) The Secretary may after the lapse of the period granted to the Children's Home under paragraph (c) of subsection (1) above, conduct an inquiry again and confirm the cancellation of registration or may reactivate the registration.

Steps to be taken on cancellation of registration

22. The Commissioner or any Probation Officer authorized by him shall hand over the custody of all the children boarding in any Children's Home of which the registration was cancelled in terms of paragraph (b) of subsection (1) of section 21 of this Statute, to their parents or guardians or remove them to any other registered or Children's Home with facilities to observe their religions and in according to the gender and nationality of such children.

Assignment of assets of Children's Home of which the registration was cancelled

23. The Commissioner or any Probation Officer in-charge specifically authorized by him for the purpose shall take into the custody of the Department or assign to any other Children's Home as determined by the Commissioner the movable and immovable assets provided by the government, voluntary organizations, institutions and individuals to the Children's Home of which the registration is cancelled.

Composition and eligibility of the Board of Management

24. (1) The Board of Management of any Children's Home shall consist of the following :

- a. the Chairman ;
- b. the Vice-Chairman ;
- c. the Secretary ;
- d. the Vice-Secretary ;
- e. the Treasurer ;
- f. the Manager ;
- g. Seven committee members ;

(2) The Chairman, Secretary, Treasurer of the Board of Management and the Manager of the Children's Home shall be citizens of Sri Lanka.

(3) The Manager of the Children's Home and minimum of three members of the Board of Management shall be residents of the Sabargamuwa Province.

(4) The Board of Management and the Manager of the Children's Home shall be of sound health and shall not be convicted, by the court for any criminal offence.

Standards to be declared and adhere to

25. The Minister shall be regulations prescribe from time to time standards to improve the quality of service at Children's Homes

(1) External Supervisory board should be appointed for every voluntary children home situated within the province by the Provincial Commissioner with the approval of the Secretary to the Ministry.

(2) The External Supervisory Committee should be consisted the following officers including minimum three members or maximum five members.

- i. Officer in charge of the Police of the area where the children home is situated
- ii. Public Health Inspector of the area where the children home is situated.
- iii. Grama-Niladhari of the Division, where the children home is situated.
- iv. Family Health Officer of the Division, where the children home is situated
- v. Economic Development Officer of the Division where the children home is situated

Appointing the external supervisory board

(3) After the duly appointment, External; Supervisory Committee could operate the powers vested to an examiner under the Section 30 of the Statute.

26. Correspondence with the Commissioner on every action regarding the registration of a Children's Home and every other action pertaining to Children's Home shall be attended to only by the Manager of the Children's Home.

PART III

ADMISSION OF CHILDREN TO CHILDREN'S HOME, INSPECTION, SUPERVISION, ESTABLISHMENT AND MAKING THE BOARD OF MANAGEMENT VOID

27. (1) No child shall be admitted to any registered Children's Home unless with the approval of the Commissioner, provided however that, the Board of Management may admit a child to a Children's Home without the prior approval of the Commissioner on reasonable grounds. The number of children, which may be so admitted, shall not exceed 10% of the number of children approved to such Children's Home and the approval of the Commissioner shall be obtained within one week in respect of children so admitted.
- Admission of children to Children's Home
- (a) No person shall admitted any child to any Children's Home in contravention of the age limit, gender or the religious classification prescribed by the Commissioner.
- (b) The Commissioner shall have the power under special circumstances to admit a child to any Children's Home irrespective of the provisions of sub section 27(i) above for the maximum benefit of such child.
- (c) Admission to any Children's Home may be made for the purpose of providing custody, protection and care of pregnant child mothers, under the age of 18 years and their children referred by the court depending on the incidents that took place prior to taking into Court's custody and their mental imbalance.
28. The Manager, Board of Management and the Staff of a registered Children's Home shall comply with and carry out the advices and orders given by the Commissioner or by the Probation Officer-in Charge of the Children's Home or of the inspection of the Children's Home in respect of actions to be taken by the Children's Home for the placement of any child and for the benefit of children.
- Placement and advices to be followed
29. The Probation Officer who is assigned the submission of reports of on a Children's Home shall, after the registration of the Children's Home, submit the Commissioner a formal report of recommendations prepared separately in respect of each child on the outcome of the examination conducted by him to ascertain whether the boarded children of such Children's Home belonging to the category of orphans, deserted and destitute of abused.
- A report on each child to be Prepared
30. A Probation Officer each shall be appointed to inspect a Inspect Children's Home. The Commissioner, the Probation Officer -In - Charge of the Children's Home, the Probation Officer - In - Charge of inspection of the Children's Home and any Officer authorized by the Commissioner may at any time enter and inspect any Children's Home and the Board of Management of the Children's Home or any other person shall not obstruct such inspection in any manner whatsoever.
- Inspection of the Children's Home
31. (1) When registering a Children's Home the retention and maintenance of Children boarded there in shall be effected with the approval of the Commissioner.
- Provision of boarding facilities

(2) Where the children boarded in a Children's Home are found to be orphans, deserted, destitute and abused as disclosed in the report under section 29 of this statute, such children may be retained in such Children's Home for a maximum period of one year from the date of admission of such children on prior notice to the Commissioner. Provided the Commissioner may alter such period as necessary.

(3) Where the commissioner is of the opinion that the children do not belong to the category of orphans, deserted and destitute or abused based on the reports referred to in section 29 of this Statute, the manager shall take action to place such children in the manner and within a period of three months from the date as may be required by the Commissioner.

Manger to submit information and reports

32. The Manager shall take action to submit information and reports demanded in writing by the Commissioner the Probation Officer - In - Charge of the Children's Home or of inspection of the Children's Home within the period of time specified in the notice.

Appointment of competent authority

33. Where the manager, Board of Management or the staff a Children's Home fails to comply with or to execute instructions or orders given under Section 28 or to submit information or reports referred to in Section 32, the Commissioner shall have the powers to make the management and the Board of Management of the Children's Home void and to appoint a competent authority to maintain the Children's Home.

34. (1) Where the Commissioner takes action to make the Board of Management of any Children's Home void, in terms of provisions of section 33 above, he shall appoint a staff officer in the Provincial Public Service as the competent authority to such Children's Home.

(2) The basic expenses incurred in maintaining a Children's Home under the competent authority shall be paid out of the Provincial Council Fund.

The Manager or Board of Management not to interfere with the affairs of the Children's Home

35 (1) When the Commissioner appoints a competent authority under section 33 to any children's home.

(a) the Board of Management, Manager or the staff of such the Children's Home shall not participate in or involve with the affairs of the Children's Home.

The Manager or any member of the Board of Management or the staff of the Children's Home shall not enter the Children's Home premises or any building therein in any manner whatsoever unless with the written approval of the Commissioner.

Assignment of assets

36. The Commissioner shall, after appointing a competent authority under section 33 of this Statute, intimate thereof to the manager in writing and the manager, board of management authorized persons, the owner or the staff of the Children's Home shall immediately on the receipt of such letter duly hand over the possession of the Children's Home together with all documents, movable and immovable properties thereof to the competent authority.

Appointment of new Board of Management and Manager

37. (1) New Board of Management and a manager in place of the Board of Management and manager made void shall be of appointed under the supervision of the Commissioner within a period of three months from the date of appointment of a competent authority.

(2) The Commissioner shall for the purpose of appointing a new Board of Management and a manager, by written notice convene all members of the organization, which ran the Children's Home and a manager and a Board of Management shall be elected by secret vote at such meeting.

- (3) The former manager or the Board of Management shall not be re-elected when electing a new Board of Management and a manager.
- (4) The competent authority shall hand over the possession of the Children's Home together with the documents and movable and immovable properties to the manager elected under subsection (2) of this section within seven days from his election. The manager and the Board of Management shall have the power to maintain the Children's Home from the date of receipt of the possession.
- (5) If the Commissioner finds it impossible to cause action to be taken as provided in subsection (1) above, he shall have the power to maintain such Children's Home through the competent authority beyond the aforesaid period of three months until such time such action is taken for the purpose of the placement of children of the Children's Home.

PART IV

RECEPTION CHILDREN'S HOME

38. There shall be a Provincial Reception Children's Home for the boarding care of orphans, deserted, destitute and abused children under the age of five years and such Reception Children's Home shall come under the control of Provincial Department of Probation and Childcare. Provincial Council to have Children's Home
39. (1) Where it is reported that a child under the age of five years has become an orphan or has been deserted, the Probation Officers shall on the approval of the Commissioner, take action to admit such child to a Provincial Reception Children's Home. To be admitted to a reception children's home
 - (2) If any child specified in subsection (1) of this section has been subject to any abuse, and a Court order in that regard is necessary the Medical Officer in - charge of the hospital or any other officer authorized by him shall inform thereof to the relevant police station. To be admitted to a hospital
40. The Medical Officer - in - charge of the hospital or any other officer authorized by him shall arrange for the registration of the birth of every child who becomes an orphan or is deserted upon birth at a hospital prior to the discharge of such child from the hospital. Action to register a birth
41. The Commissioner shall cause the Probation Officer In - Charge of the relevant judicial zone or any other Probation Officer of the division authorized by the commissioner to submit a comprehensive report in respect of each child admitted to a Provincial Reception Children's Home. The Probation Officer in - Charge of the unit also shall submit the Commissioner a comprehensive report in respect of each child admitted to a Provincial Reception Children's Home within 30 days from the date of admission of such child. Investigation Report to be submitted
42. The Commissioner shall cause the placement of children admitted to the Provincial Children's Home and may seek the assistance there for of the Placement Committee. To effect maintenance
43. There shall be a staff to execute functions of the Provincial Reception Children's Home established under section 38 of this statute. Provincial Reception Children's Home to have a staff

PART V

OFFENCES AND FINES

Not to abuse or
abduct

44. The manager or any member of the Board of Management or the staff of any Children's Home who abuses or abducts any child boarded in any Children's Home or in any Provincial Reception Children's Home or assists or encourages or permits or allows any other person to do so, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred thousands rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

Committing an
offence and
penalties

45. (1) Any manager of any Children's Home or any member of the Board of Management, who fails before or after the registration to furnish any report or information required under this statute or willfully includes any false particular in such report or information, or any person who commits any offence for which no provisions specifying penalties are made in this Statute, shall, on conviction after summary trial before a Magistrate, be liable to a fine not more than five hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.
46. Maintaining an children's Home without a certificate of registration shall be an offence under this Statute and whoever commits such offence, shall, in conviction after a summary trial before a magistrate be liable to a fine not less than five thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not less than six months and not exceeding one year or to both such fine and imprisonment.
47. Where an offence under this Statute is committed by a body of persons, then :-
- (i) if that body is a body corporate every director and officers of that body,
 - (ii) If that body is a partnership, every partner of that body or,
 - (iv) If that body is the Board of management which manages the Children's Home every member of that body,
- Shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.
48. If the manager of any Children's Home or any member of the Board of management or the staff is convicted by the court under this Statute, such person or persons shall not hold any post in the Board of Management or the staff of any Children's Home or the post of manager of any Children's Home thereafter.

PART VI

FINANCE

Allocation of funds

49. (1) The provisions of Provincial Council Act No 42 of 1987 shall, be applicable in respect of the allocation of financial provisions and the incur of expenses necessary for the maintenance of institutions established under this Statute.
- (2) Funds allocated by the Central Government or granted by any other lawful source to the Department of Probation and Childcare Services may be utilized for the purpose of this Statute.

50 (1) There may be established a fund which shall be called the Child Care Services Fund in the Sabaragamuwa Province and the followings may be credited to the Fund.

- (a) Any sum of money earned from any local or foreign individual organization and institution,
- (b) Any sum of money earned from concerts, lotteries and other approved financial sources;
- (c) Any sum of money received as foreign aid through the government under section 22 of the Provincial Council Act
- (d) Any sum of money votes as a grant by the annual budget of the Provincial Council

Accounts of the Fund and Audit of Accounts

(3) The Minister may from time to time make regulations in respect of incurring expenses out of the fund referred to subsection 50 (1) above and of maintaining accounts and such accounts shall be in competence with the provisions of Part III of the Provincial Council Act No. 42 of 1987.

Reports on accounts of the Fund

(4) Provisions of Article 154 of the Constitution regarding the audit of accounts of public institutions and Financial Regulations of the Sabaragamuwa Provincial Council shall be applicable for the audit of accounts of this fund.

(5) The Minister shall submit an administration report of the fund together with the audited accounts and the Auditor General's report or such accounts to the Cabinet of Ministers of the Provincial Council and to the Provincial Council of the Sabaragamuwa Province within nine months from the end of the calendar year to which such reports relate.

PART VII

COMPOSITION AND POWERS OF THE DEPARTMENT OF PROBATION AND CHILDCARE SERVICES

51. There shall be posts in the Department including Deputy and Assistant Commissioners, Senior Probation Officers, Probation Officers In - Charge and Probation Officers to assist the Commissioner.

The Staff

52. There shall be a Provincial Commissioner's Officer for the purpose of giving effect to this Statute, and such office shall consist of adequate staff and facilities.

To have a Commissioner's Office

53. (1) A maintenance grant ads may be calculated annually may be paid in respect of a child under the care of a Children's Home registered under this Statute.

Payment of Maintenance Grant

(2) The Cabinet of Ministers of the Province shall have the power to revise from time to time the maintenance grant on the recommendation of the minister in charge of the subject. No Children's Home shall be entitled to receive such maintenance grant until the lapse of six months from the registration of such Children's Home.

(3) The manager or the manager elected annually at the general meeting or at the budget of any non - governmental organization, semi governmental organization or public institution which maintains a Children's Home, shall prepare an annual statement of

accounts in respect of the Children's Home and submit same to the Commissioner before the 15th day of January every year.

Regulations

54. (1) The Minister shall have the power to make regulations in respect of this Statute.
- (2) Every regulation made by the Minister shall, upon the publication in the Gazette, be brought before the Provincial council for approval and the approval or disapproval of such regulation by the Provincial Council shall be notified in a gazette notification. In the event of any regulation made by the Minister is disapproved by the Provincial Council such regulation shall be rescinded but without prejudice to anything previously done thereunder.

Sinhala text to prevail

55. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

Interpretation

56. In this Statute, unless the context otherwise requires,
- “Orphan” when applied to a legitimate child, means a child both of whose parents are dead, and when applied to an illegitimate child, means a child whose mother is dead,
- “deserted” when applied to a legitimate child, means a child deserted by both parents and when applied to an illegitimate child, means a child deserted by his mother,
- “destitute” means a child either of whose parent is dead, or a child deserted by one parent, the other being incapable of acting as a parent, and needs care and protection, or a child whose parents receive public relief payments from a government department or from a local government institute and one of them is proved by a medical certificate to be too sick to find a living and the other (mother or father) is having no permanent means of income, or a child one of whose parents are imprisoned and the other is having no permanent means of income, or a child one of whose parents is declared insane on medical certificate and the other is having no permanent means of income, a child one of whose parents who holds the custody of children of any family where parents are separated on court order or otherwise, is having no permanent means of income,

Abuse means,

- a. any of the provisions of sections 286A, 288, 288a, 308a, 360a, 360b, 360c, 363, 364a, 365a and 365b of the Penal Code,
- b. any provisions of the Women, youth and children employment Act,
- c. any provisions of Children and Juveniles Ordinance,
- d. any provisions of the regulations relevant to the compulsory education made under Education Act.

“Provincial Council” means the Provincial Council of the Sabaragamuwa Province.

“Minister” means the Minister in charge of the subject of Probation and Child Care Services of the Provincial Council of the Sabaragamuwa Province.

“Secretary” means the secretary for the time being of the Ministry of Probation and Child Care Services of the Provincial Council of the Sabaragamuwa Province

“Commissioner” means the Provincial Commissioner of Probation and Child Care services appointed for the time being by the Governor,

“Register of the registration of children’s homes” means the Sabaragamuwa Provincial Commissioner of Probation and child care services.

“Probation Officer” means an officer appointed in pursuance of section 17 of the Taking

“Competent authority” means a staff officer in the Sabaragamuwa Provincial Public Service appointed by the Provincial Commissioner of Probation and Child Care services.

“Provincial Receiving Children’s Home” means an institute maintained by the Department of Probation and Child Care services for the boarding care of orphan, deserted, destitute or abused children under 05 years of age.

“abduction” has the same meaning that of the Penal Code (Chapter 15)

“Placement” means the hand over of a child boarded in an Children’s Home or a Provincial Receiving Children’s Home to his/her parents or guardians or relatives or otherwise the socialization of the child ensuring his social benefit:

“Placement Committee” in the case of a Children’s Home means a meeting held with the participation of the manager, the warden, parents/guardians of relevant children, Probation Officers In - Charge, Probation Officers In - Charge of investigation of the Children’s Home, the Commissioner or members of his staff authorized by him and in the case of a Provincial Receiving Children’s Home means a meeting held with the participation of the matron, the Provincial Commissioner, probation Officer In - Charge of the, Probation office, Probation Officer In - Charge of investigation of such Children’s Home, Parents / guardians of relevant children, and an officer authorized by the Commissioner.

“Voluntary Organization” means voluntary organizations registered under the Voluntary Social Services Organizations (Registration and Supervision) (Amendment) Act No : 08 of 1998.

“Children’s Home” means every home or other institute for the reception, boarding, custody, and protection of orphans, deserted, destitute or abused children maintained by registered voluntary organizations and includes every home or other institution for the reception, boarding, custody, and protection of orphans, deserted, destitute, abused or pregnant children and child mothers referred by the court maintained by registered voluntary organizations.

FIRST SCHEDULE

Application for the registration of Children's Homes under Children's Homes Statute

No..... of 20..... of the Provincial Council of the Sabaragamuwa Province

1. Name of the Government/Non-Government/Semi-Government/Government Affiliated /Voluntary Organization :
.....
(Delete whatever inapplicable)

2. Number and Date of registration under the Registration and Supervision of Voluntary Social Service Organizations Act No : 31 of 1980 :.....
.....
(attach a Photostat copy of the Certificate of registration issued by the Department of Social Services)

i. Name of the proposed Children's Home :

ii. Addresses and the Telephone Number :

iii. Name of the Government / Non - government / semi - Government / Government Affiliated / Voluntary Organization, which intends to commence and maintain the Children's Home :

iv. Details of the registration of the Government / Non - Government / Semi - Government / Government Affiliated / Voluntary Organization :

v. Objects of the Government / Non - Government / Semi - Government / Government Affiliated / Voluntary Organization :

vi. The structure of the organization :

<i>Office Bearers</i>	<i>Name</i>	<i>Address</i>	<i>T. P. Number</i>
Hon. Chairman
Hon. Vice Chairman
Hon. Secretary
Hon. Assistant Secretary
Hon. Treasurer
Hon. Patron

vii. Assets of the Government/Non-Government/Semi-Government/Government Affiliated/Voluntary Organization

	Bank Branch	Account Number	Balance as at application for registration
1.
2.
3.

Other Assets

Movable and Immovable assets of the Government/Non-Government/Semi-Government/Government Affiliated/Voluntary Organization :

(Give details of vehicles, lands, buildings and other relevant assts.)

<i>Movable Immovable assets</i>	<i>Number (of land deeds, vehicles etc.)</i>	<i>Nature of Possession (transfer, lease rent, mortgaged)</i>	<i>Current value (Rs.)</i>

viii. The institute, which donates foreign aids to the Government / Non - Government / Semi - Government / Government Affiliated / Voluntary Organization :

<i>Institute</i>	<i>Amount of aids annually granted</i>
.....
.....
.....

ix. Who handles the accounting of the Government / Non - Government / Semi - Government / Government Affiliated / Voluntary Organization :

.....
.....

1. Particulars of the Boards of Management of the Children's Home

<i>Name and Designation</i>	<i>Age</i>	<i>Address</i>	<i>T. P. Number</i>

II. Eligibility of the manager expected to be engaged to maintain the Children's Home

- (a) Name :.....
 (b) Date of Birth :.....
 (c) Educational and other qualifications :.....

 (d) Professional experience :.....

 (e) Whether has been convicted by the court :.....

iii. Who will handle the accounting of the proposed Children's Home ?.....
.....
.....

3.I. The Children's Home intends to provide care for

- a. Boys/girls/mix :.....
b. Age limit of children :.....
c. Number of children expected to admit :.....

3.II Number of persons expected to be employed to maintain the Children's Home :

Break down of the deployment :

<i>Name</i>	<i>Designation</i>	<i>Age</i>	<i>Educational/ Professional Qualifications</i>	<i>Experience</i>

4.I State whether the land on which the buildings of the Children's Home are intended to be/have been built is belonging to the organization. (If yes, please give relevant details and attach a certified copy of the relevant deed)

4.II Details of the floor area of the proposed Children's Home including rooms and other halls (A ground plan should be attached)

<i>Facilities</i>	<i>Length</i>	<i>Width</i>
a. Bed Rooms b. Study Room c. Rest Room d. Visiting Room e. Officer Room f. Sick Room g. Room reserved for therapeutic Programmes h. Kitchen i. Servants residential Rooms j. Store Room k. Bath Rooms l. Number of Toilets m. Space provided for sleeping n. Space available for playing outdoors o. Method of water supply p. Do you receive main electricity		

5.1 Details of schools where it is intended to provide formal education to the children of the Children's Home

<i>Name of the School</i>	<i>Distance of the Children's Home</i>

II. Additional educational facilities intended to provide at the Children's Home
(Tuition, music, dancing, vocational training etc.)

.....
.....
.....

6.I How do the children in the Children's Home receive medical facilities ?
(State the distance to the nearest hospital)

.....
.....
.....

II. The nature of the environment and the populace of the area where the Children's Home is to be established
(whether urban/semi-urban/rural)

.....
.....
.....

III. The distance to the nearest Children's Home, State whether such Children's Home is an children's Home for boys or for girls

IV. Facilities available for religious practices

.....
.....
.....

7. Give details of the methods expected to be adopted to socialize/rehabilitate the children admitted to the Children's Home. (Children once they are admitted to the Children's Home should not be kept in the Children's Home for a long period of time and should be rehabilitated forthwith and be handed back to the parents/guardians.)

.....
.....
.....

We do hereby certify that we will comply with the instructions and regulations issued from time to time by the Commissioner General of Probation and Child Care Services of the Sabargamuwa Province under the Children's Homes Statute No. of 20..... of the Sabargamuwa Province and that all the particulars furnished herein are true and accurate.

In the event of disclosure that we have furnished any false particular herein, we will abide by the determination thereon of the Commissioner General of Probation and Child Care Services of the Sabargamuwa Province.

.....
Chairman

.....
Hon. Secretary

.....
Hon. Treasurer

.....

.....

.....

Date and Official Stamp

Date and Official Stamp

Date and Official Stamp

SCHEDULE II

Registration No.....

Registration of Children's Home under the Department of Probation and Child Care Services of the Provincial Council of the Sabargamuwa Province

.....

I,of the Commissioner General Probation and Child Care Services of the Sabargamuwa Province in pursuance of the provisions of the Children's Home Statute No.of 20of the Sabargamuwa Province, registered/renewed the registration the Children's Home namedofwithin the Divisional Secretary's Division ofin the district ofon thisday of20..... fromup to.....

Date

Commissioner General Probation and Child Care Services
of the Sabargamuwa Province.
(Signature and Official Stamp)

Issued under article 06..... of the Children's Home Statute No..... datedof Sabaragamuwa Province Provincial Council.

06-677