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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

CENTRAL PROVINCE PROVINCIAL COUNCIL

Draft Statute “Voluntary Child Development Centers of Central Provincial Council Statute No. 04 of 2018”

I am publishing herein below the aforementioned statute, proposed to be implemented in the Central Provincial Council, for public scrutiny.

This draft statute will be submitted for the approval of the Central Provincial Council at the expiry of 10 days from the date of its publishing. If any submission is intended to be made in respect of the matters contained in this statute, such submission shall be forwarded in writing to me, to the below mentioned address within 10 days from the publishing of this notice.

BANDULA S. B. YALEGAMA,
Minister of Health, Indigenous Medicine,
Social Welfare, Probation and Child Care Services.

P.O.Box 121,
Sangaraja Mawatha,
Kandy.



STATUTE FOR VOLUNTARY CHILD DEVELOPMENT CENTERS OF CENTRAL PROVINCIAL COUNCIL No. 04 OF 2018

A statute to make provisions for the registration, supervision, and administration of Voluntary Child Development Centers which are maintained under the Provincial Department of Probation, Child Care Services of Central Province and provide residence, care and protection for children who are orphans, deserted, helpless and children who need custody and security under court order; the protection of the rights of children, defining the powers of Commissioner and for matters connected therewith or incidental thereto. This statute is inconsistent with the provisions of the Orphanages Ordinance (Chapter 142)

Be it therefore enacted by the Central Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows:-

- | | |
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| Short title and Date of operation | 1. This statute may be cited as Statute for Voluntary Child Development Centers of Central Provincial Council No.04 of 2018, and shall come into force from the day of this statute published in the <i>Gazette</i> by the ministry in charge of subject, after it is approved by the Governor of the Central Province. |
| Requirements to register a Child Development Center | 2. On and after the effective date of this statute, a Voluntary Child Development Centre for orphans, deserted, helpless children and children who need custody and security under court order between the ages of child birth to 18 years shall not be established or maintained within the province, except upon being registered for that purpose under the provisions of this Statute. |
| Responsibilities for administration of Child Development Centers | 3. The Commissioner of Probation and Child Care Services of Central Province (hereinafter referred to as the 'Commissioner') shall be charged with the legislative authority to achieve the objective of this statute, and shall have responsibility to monitor and control the Voluntary Child Development Centers which are registered under this statute. |
| Qualifications for registration | <p>4. The qualifications required to be eligible for the registration of a Voluntary Child Development Centre under this Statute are as follows:-</p> <p>(a) The applicant shall be a registered voluntary organization of Sri Lanka having one of the objectives of the organization is to be the establishment and maintenance of a Child Development Centre.</p> <p>(b) The funds received from Government of Sri Lanka and through donations for maintenance of Child Development Centre to be credited to a special bank account under the proposed child Development Centre's name.</p> <p>(c) The management and administration of the proposed Child Development Centre shall be under the control of a board of management consisting of at least seven members including a Chairman, a Vice Chairman, a Secretary, a Deputy Secretary, an Assistant Secretary, a Treasurer and a Manager.</p> <p>(d) The Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer and Manager shall be the citizen of Sri Lanka</p> <p>(e) Not less than 03 members of the board of management shall possess the permanent residence within the Divisional Secretariat, as the case may be, within which the proposed Voluntary Child Development Centre is to be established.</p> <p>(f) The applicant shall possess the complete legal rights for the proposed Child Development Centre and shall have the privileges to enjoy the movable and immovable properties.</p> |

(g) This applicant shall satisfy the minimum quality standards required for the establishment of a Voluntary Child Development Centre as set out in Schedule 04 of this statute.

5. A voluntary organization which desires to establish a Voluntary Child Development Centre within the province may, where it satisfies the all the qualifications stipulated in section 04 of this statute, shall have applied for provisional approval to establish a proposed Voluntary Child Development Centre *via* an application form specified in schedule 1 of the statute, which shall be signed by the person who is assigned to function as the Manager of such proposed Centre

Provisional approval to establish a Voluntary Child Development Centre

(2). On receipt of an application submitted for provisional approval under sub-section (1), the Commissioner shall forthwith make an order to a Probation officer or any other officer having adequate experience as determined by the Commissioner and who is authorized in that behalf, to hold an inquiry as may be necessary and submit a report on the same within such time as shall be specified by the Commissioner.

(3). The report referred to in subsection (2) shall, along with other matters, state whether the applicant satisfies all the qualifications specified in section 4 to become eligible to be-granted the provisional approval.

6. (1) The Commissioner shall, upon examining the contents of the report submitted to him under sub-section (2) of section 5, And having

Granting of pre-approval

- (a) Determined the necessity to establish a Child Development Centre in the particular area where such Child Development Centre is being proposed to be established, in view of the Registered Child Development Centers being already maintained in that area;
- (b) Taken into account any other information that he may have gathered on any visit made personally to the premises where the proposed Child Development Centre is to be established,
- (c) Arrive at a decision as to whether or not to grant provisional approval for the establishment of Voluntary Child Development Centre concerned by publishing a notice at Divisional Secretariat and Grama Niladhari Office seeking the general public opinion on establishment of proposed Child Development Centre and then obtain the public opinion within 14 days.

(2) A decision on any application received by the Commissioner shall be made with a period of three months from the date of receipt of such application and where the Commissioner arrives at a decision to

- (a) refuse the grant of provisional approval, he shall inform the applicant in writing of such fact giving reasons for the refusal;
- or
- (b) Grant a provisional approval, the applicant shall be issued with a Provisional Approval Certificate in the form specified in Schedule II to this Statute.

(3) A provisional approval certificate issued under paragraph (b) of sub-section (1) shall be subject to terms and conditions that may be prescribed for that purpose by the Minister and be valid for a period of 06 (six) months from the date of its issue.

Establishment of Voluntary Child Development Centre to be completed within the period granted.

7. (1) The person to whom a Provisional Approval Certificate has been granted under Section 6 shall be required to establish the Voluntary Child Development Centre to which it relates prior to the expiry of period of validity of such Provisional Approval Certificate, and shall submit a report on its completion along with an application for the registration of such Voluntary Child Development Centre as a Registered Child Development Centre for the Purpose of this Statute.
- (2) In the event the organization to which a Provisional Approval Certificate is issued is unable to complete the establishment of the Voluntary Child Development Centre within the period of 06 (six) months referred to in Sub-section (1), such organization may, on a written appeal made in that behalf to the Commissioner, be granted an extension of a further period up to a maximum of another six months.

Registration of a Voluntary Child Development Centre.

08. (1) Within one month of the receipt of the report and the application for registration referred to in Sub-section (1) of Section 7, the Commissioner shall either by himself or through an officer authorized in that behalf, make such inquiries and inspections as he considers necessary and appropriate, in order to determine whether

a) Such voluntary Child Development Centre has the capacity to maintain in a manner that would ensure the best interest of the children admitted therein since the issue of the Provisional Approval Certificate;

and

b) Such voluntary Child Development Centre should therefore be declared as a Registered Voluntary Child Development Centre for the purpose of this Statute.

- (2) On the conclusion of the inquiry and inspection carried out under subsection (1), the Commissioner shall

a) Register such Voluntary Child Development Centre as a Registered Child Development Centre and issue a Certificate of Registration in the form specified in Schedule III to this Statute ;

b) Refuse to register such Voluntary Child Development Centre a Registered Voluntary Child Development Centre on any one or more grounds referred to in Section 10 and state his reasons for such refusal.

- (3) A Certificate of Registration issued under paragraph (a) of sub-section (2) shall be valid for a period of three years from the date of its issue and shall be subject to such terms and conditions as shall be prescribed from time to time for that purpose by the Minister in charge of subject.

- (4) Where the Commissioner refuses to grant a Certificate of Registration under paragraph (b) of Sub-section (2) of this Section, the Provisional Approval Certificate already issued to the person concerned, if it be in operation, shall stand cancelled, and the provisions of section 19 of this Statute shall, *mutatis mutandis*, apply to and in respect of any children who are orphan, deserted, helpless and children who need custody and security under court order and may have been admitted to such Child Development Centre after the grant of the Provisional Approval Certificate.

Renewal of Registration of Certificate.

9. A Certificate of Registration issued may be renewed on application being made there for within three months prior to the date of expiry of the period of validation of such certificate of Registration and the provisions of Section 8 of this Statute shall *mutatis mutandis* apply to in respect of such application for renewal.

10. An application for the registration of a Voluntary Child Development Centre as a Registered Voluntary Child Development Centre under subsection (2) of section 7, may be refused by the Commissioner, on any one or more of the following grounds
- Reasons for refusal of a registration
- (a) Where the Commissioner is satisfied that the applicant does not have or is not able to obtain adequate resources to maintain such Voluntary Child Development Centre;
 - (b) Where the Commissioner is satisfied that the applicant has failed to provide or to obtain adequate resources necessary to provide education or any other training, accommodation facilities, guardianship, protection and maintenance to the orphans, deserted, helpless children and children who need custody and security under court order in the Voluntary Child Development Centre;
 - (c) Where the Commissioner is satisfied that the Manager of the Voluntary Child Development Centre or any person working in the Centre in a volunteer capacity or, any officer or other employee of the Centre or any other person associated with the administration of the Voluntary Child Development Centre, is a person who has been convicted of a civil or a criminal offence;
 - (d) Where the Commissioner is satisfied that the repute or character of any person or persons employed in or working at the Voluntary Child Development Centre is such that it renders him unsuitable to be so employed or work in a volunteer capacity in the Centre or to be associated in working with the orphans, deserted, helpless children and children who need custody and security under court order reside in such Voluntary Child Development Centre;
 - (e) Where the Commissioner is satisfied that the Voluntary Child Development Centre concerned would be unable to maintain the minimum standards for Registered Voluntary Child Development Centre specified by the Minister under section 11;
- or
- (f) Any other grounds as may be determined by the Minister from time to time, by Notice Published in the *Gazette*. In case of refusal by the Commissioner, the applicant shall have the right of appeal to the Provincial Secretary to the Minister concerned, and the decision of the secretary shall be final
- (2) An appeal may be made to the Secretary of the Ministry within 30 days from the date of such refusal in respect of an application rejected under subsection (1) above. The decision of the Ministry Secretary is final and decisive for the appeal.
11. The Minister may, by an Order Published in the *Gazette* specify the minimum standards that should be maintained by a Registered Voluntary Child Development Centre and it shall be duty of the Registered Child Development Centre to strictly comply with all standards so specified
- Minimum Standards to be maintained by registered Child Development Centre
12. (1) The Commissioner shall for the purposes of this Statute, appoint by name or office any Public officer or any Probation officer, as an Inspector or Inspectors of Registered Voluntary Child Development Centers within the Province
- Appointment of inspectors and inspection and supervision of registered Child Development Centre
- (2) An Inspector appointed under subsection (1) shall perform and discharge of his duties and functions, act on the advice or instructions that may be issued by the Commissioner and be subject to his authority

Inspection of
registered Child
Development Centre

13. The Commissioner or an Inspector appointed under section 12, may at anytime enter and inspect a Registered Voluntary Child Development Centre and may for that purpose, carry out an examination on any matter as he may consider necessary, to ensure the best of interest of the orphans, deserted, helpless children and children who need custody and security under court order resident in such Registered Voluntary Child Development Centre, including an examination into the state and management of the Registered Voluntary Child Development Centre, the conditions prevailing therein, the manner in which the children are being looked after and an examination of the records being maintained in respect of each child resident in such Registered Voluntary Child Development Centre.

Admission of
children to a
Registered Child
Development Centre
and duties of
Manager

14. A child shall not be admitted to a Voluntary Registered Child Development Centre
- (a) Without the prior approval of the Commissioner;
- and
- (b) In violation of the age limit, gender or any categorization based on religious persuasions or any other factors as may have been determined by the Commissioner at the time of registering such Voluntary Child Development Centre as a Registered Voluntary Child Development Centre.

(2) Notwithstanding the provisions of subsection (1), where a child is found to be facing a situation which endangers or threatens to cause any harm or a threat to the child's life, health or safety, such a child may be admitted to a Registered Voluntary Child Development Centre without the prior approval of the Commissioner. The Manager of the Registered Child Development Centre shall receive the approval of the Commissioner within two weeks from such admission.

Submission of report
to the Commissioner

15. (1) It shall be the duty of the Manager of a Registered Child Development Centre to submit a report to the Commissioner once in every three months, in a form specified in Schedule IV to this Statute.

(2) Notwithstanding the provisions of subsection (1), the Commissioner or any officer authorized in that behalf by the commissioner shall have the power to request the Manager of a Registered Voluntary Child Development Centre by a notice issued in that behalf, to submit a report on any particular matter relating to the administration of such Registered Voluntary Child Development Centre or to provide any information considered necessary, to ensure the best interest of the children who are orphans, deserted, helpless and children who need custody and security under court order resident in such Registered Voluntary Child Development Centre and it shall be the duty of such Manager to submit the report or to provide the information as the case may be, within the time stipulated in the notice issued.

Transfer of Children
from a Registered
Child Development
Centre

16. (1) The manager of a Registered Voluntary Child Development Centre shall be required to comply with any directions or instructions issued by the Commissioner with regard to the transfer of any orphans, deserted, helpless children and children who need custody and security under court order resident in such Registered Voluntary Child Development Centre and no child resident in such Registered Voluntary Child Development Centre shall be transferred to any other Registered Voluntary Child

Development Centre or be removed from such Registered Voluntary Child Development Centre in any manner, without the prior approval of the Commissioner.

(2) Where the Placement Committee of a Registered Voluntary Child Development Centre decides to keep a child in the Registered Voluntary Child Development Centre for more than three years, such decision shall not be carried out without obtaining the prior approval of the Commissioner for the same.

17. (1) Where the Commissioner is of the opinion, that

Issue of general and special directions by the Commissioner

- a. The manner in which a Registered Voluntary Child Development Centre is being administered is not satisfactory;
- b. The accommodation facilities made available to the children in such Registered Voluntary Child Development Centre are not adequate or conducive to the welfare of the children resident therein;
- c. The minimum standards specified by the Minister under section 11 of this Statute are not being maintained;

or

- d. Any terms and conditions prescribed under subsection (3) of section 8 are not being complied with,

The Commissioner shall have the authority to issue general or special directions to the Board of Management of the Registered Voluntary Child Development Centre, regarding measures to be adopted to rectify the situation.

(2) It shall be the duty of the Board of Management to which any directions are issued under subsection (1) to comply with the same.

(3) Any general or special directions to be issued under subsection (1), shall be

- (a) sent by registered post to the Chairman of the Board of Management or where appropriate forward to him through the Grama Niladhari of the area where the Registered Child Development Centre is situated;

or

- (b) affixed to a conspicuous place in any building of the Registered Child Development Centre

(4) Where the Manager or Board of Management of the Registered Voluntary Child Development Centre to whom any general or special directions are issued under subsection (1) fails to comply with such directions, the Commissioner shall have the power to make an application to an appropriate Magistrate's Court having jurisdiction, to ensure their due compliance.

18. (1) Where an application is made to a Magistrate's Court by the Commissioner under subsection (4) of section 17, issue notice to the members of the Board of Management, requiring them, to appear before such Magistrate and show cause why the Certificate of Registration granted the Registered Voluntary Child Development Centre concerned, should not be cancelled due to such failure.

Order of cancellation

(2) On receipt of a notice issued by a Magistrate under subsection (1), if the members of the Board of Management fails to appear before such Magistrate on the date specified in such notice or having appeared fails to show sufficient cause as to why the Certificate of Registration should not be cancelled, the Magistrate shall make an Order cancelling the certificate of Registration of the Registered Voluntary Child Development Centre concerned.

(3) Where an order is made under subsection (2) cancelling the Certificate of Registration of a Registered Voluntary Child Development Centre, or Inspector appointed under section

12 or any person who is duly authorized in that behalf by the Commissioner shall have the power to enter into such Registered Voluntary Child Development Centre, and

- (a) Remove the orphans, deserted, helpless children and children need care and security on court orders, resident in such Registered Voluntary Child Development Centre to another Registered Voluntary Child Development Centre within the Province;
- (b) hand over the children to their parent/ Guardians;
or
- (c) Remove the children to any other location as may be determined by the Commissioner

Effect of a
cancellation of a
Certificate of
Registration

19. (1) Any deserted, helpless and children who need custody and security under court order shall not be admitted to any Registered Voluntary Child Development Centre, of which the Certificate of Registration has been cancelled.

(2) Any child who was resident in any Registered Voluntary Child Development Centre, at the time of the cancellation of its Certificate of Registration or where the order of cancellation was affirmed in appeal, as the case may be, it shall be the duty of the Board of Management of such Registered Voluntary Child Development Centre to continue to provide guardianship, protection and maintenance to any orphans, deserted, helpless children and children who need custody and security under court order resident therein notwithstanding such cancellation or the affirmation of the order, as the case maybe, until such time as the child concerned is removed from such Registered Voluntary Child Development Centre under subsection (1)

(3) The Commissioner or any officer authorized in that behalf by the Commissioner shall have the power to take all necessary measures to transfer all the movable and immovable property received by the government or Provincial Council stage by stage, to any Registered Voluntary Child Development Centre, of which the Certificate of Registration has been cancelled to another registered voluntary child development Centre as defined by the Commission.

Provincial Child
Development Centre

20. (1) The Minister may establish a Provincial Child Development Centre to be maintained by the Provincial Council, for the reception, guardianship, protection and maintenance of any orphans, deserted, helpless children and children who need custody and security under court order who may be removed from a Registered Voluntary Child Development Centre, due to the suspension or cancellation of its Certificate of Registration under this Statute, until alternate arrangements are made.

(2) All expenses incurred in the establishment, administration and maintenance of a Provincial Child Development Centre established under subsection (1) shall be paid out of the Provincial Fund of the Provincial Council.

(3) The Minister shall appoint by name or office, a person to be the Warden of a Provincial Child Development Centre established under this section and such number of other officers and employees as may be required to administer such Provincial Child Development Centre.

Duties of the Warden
of a Provincial Child
Development Centre

21. (1) The Warden of a Provincial Child Development Centre shall perform the duties of his office in compliance with any directives issued by the Board of Management of such Child Development Centre of the Province and in accordance with any advice or instructions that may be issued by the commissioner from time to time.

(2) The warden shall take all necessary steps to ensure adequate guardianship, protection and maintenance to the orphans, deserted, helpless and children who need custody and security under court order admitted to the Provincial Child Development Centre and take all necessary action to transfer as soon as possible such children to a Registered Voluntary Child Development Centre within the district from where such children had been transferred or to send such children back to their parents, as the case may be. Where the Warden takes action to transfer any child to a Registered Voluntary Child Development Centre, he/she shall obtain the prior approval of the Commissioner for that purpose.

22. (1) The Commissioner shall use any funds obtained from any other financial resources or through donations, for carrying out the activities and performing the duties entrusted to him by or under this Statute. Money or funds received for this purpose should be credited to special account

(2) The Commissioner shall maintain proper books of accounts of all funds made available to him for the performance his duties under this Statute.

Availability of Resources
23. The annual income and expenditure and the accounts of each registered Child Development Centre shall be audited by a qualified auditor or an institution and be submitted annually to the Commissioner within the lapse of three months from the end of year

Audit of accounts
24. The Commissioner shall, on request made by the Manager of a Registered Child Development Centre, pay a sum of money determined annually as a relief for the maintenance grant to be used for the benefit of each child resident in such Registered Voluntary Child Development Centre

Relief payment made by the Commissioner
25. (1) An annual financial statement in respect of each Registered Voluntary Child Development Centre shall be prepared by a qualified auditor who has been appointed for that purpose at the Annual General Meeting of the voluntary organization and the financial statement so prepared shall be adopted at an Annual General Meeting of the organization.

(2) The financial statement prepared under subsection (1), shall be forwarded to the Commissioner by the Manager of the Registered Voluntary Child Development Centre concerned, on or before the 31st of March of each year.

Annual financial statement of a Child Development Centre
26. (1) The Minister may make regulations for the purpose of implementing or enforcing the provisions of this Statute.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for all, few or any of the following matters

(a) all the matters in respect of which regulations are required or authorized to be made under this Statute;

(b) minimum standards set out for the establishment of a Provincial Child Development Centre and Voluntary Child Development Centre

(c) information to be included in any report required to be submitted under this Statute;

(d) books and registers to be kept and maintained by the Commissioner and particulars to be entered therein;

(e) procedure for inspection of Registered Voluntary Child Development Centre;

Regulations

- (f) the circumstances in which Children who orphans, deserted, helpless and children who need custody and security under court order may be admitted to a Registered Voluntary Child Development Centre; and
- (g) Any other matters that may become necessary in order to give effect to the provisions of this Statute.

(3) All regulations made by the Minister shall be published in the *Gazette* and shall be submitted before the Provincial Council within three months of such Gazetting and be approved by the Provincial Council.

(4) Every regulation which is not approved by the Provincial Council shall be deemed to be rescinded from the date of such disapproval, but without prejudice to anything previously done there under.

Establishment or maintenance of a Child Development Centre in contravention of the Statute to be an offence.

27. Any person or s Board of Management,

- (a) Establishes a Voluntary Child Development Centre without obtaining a Provisional Approval Certificate for the same or continue to operate as a Voluntary Child Development Centre after the cancellation of a Provisional approval Certificate;
- (b) maintains or administers a Child Development Centre after the expiry of the validation period of the Provisional Approval Certificate, without being registered as a registered Voluntary Child Development Centre under this Statute;
- (c) a personal or a board of management continues to operate as a Registered Voluntary Child Development Centre after the cancelation of its registration

Shall be guilty of an offence under this Statute and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred thousand rupees or to a term imprisonment of either description not exceeding a period of five years or to both such fine and imprisonment.

Failure to provide information or making any false statement to be an offence.

28. (1) Any person who fails or refuses to submit any information or record required to be submitted under this Statute shall be guilty of an offence under this Statute and shall on conviction after summary trial before a Magistrate, be liable

- (a) Where such offence is being committed for the first time, to a fine not exceeding twenty five thousand rupees;

and

- (b) Where such offence is being committed for the Second time, or thereafter, to a fine not exceeding fifty thousand rupees or to a term of imprisonment of either description not exceeding a period of two years or to both such fine and imprisonment.

(2) Any person who knowingly submits false information or knowingly makes any false or inaccurate statement in any record or application made under this Statute, shall be guilty of an offence under this Statute and shall on conviction after summary trial before a Magistrate, be liable

- (a) where such offence is being committed for the first time, to a fine not exceeding twenty five thousand rupees;

and

- (b) where such offence is being committed for the Second time, or thereafter, to a fine not exceeding fifty thousand rupees or to a term of imprisonment of either. description not exceeding a period of two years or to both such fine and imprisonment

29. Any person who resists or obstructs the Commissioner, an inspector, or any officer authorized by the Commissioner, in the performance of any duty or in the discharge of any function or in the exercise of any power imposed by or under this statute on the Commissioner, an inspector or any officer authorized by the commissioner, shall be guilty of an offence under this statute and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding twenty five thousand rupees or to a term imprisonment of either description not exceeding a period of two years or to both such fine and imprisonment. Obstructions the Commissioner etc., to be an offence
30. Any person who acts in contravention of any provisions of this statute or any regulations, directions or order made there under, shall not be a guilty of an offence under this statute, and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding ten thousand rupees or to a term of imprisonment of either description not exceeding a period of two years or to both such fine and imprisonment. General penalty
31. Where an offence under this Statute is committed by a board of Management, then, if that board of Management is Offences committed by a Board of Management
 - (a) the Board of Management which is administering a Voluntary Child Development Centre or a Registered Child Development Centre, as the case may be, every member of such Board of Management;
 - (b) a Corporate Body , every Director, Manager, Secretary or an Officer of that corporate body; or
 - (c) a firm, every partner and every manager of that firm, shall be jointly and severally liable for the commission of the offence, unless he/she proves that the offence was committed without his/her consent or concurrence and that he/she exercised all due diligence to prevent the commission of such offence.
32. Where an offence under this statute is committed by the Manager, a member of the Board of Management of a Registered Voluntary Child Development Centre or any member of the staff of such a Registered Voluntary Child Development Centre, the Magistrate shall have the power, in addition to imposing the penalty specified for that offence, to order for the cancellation of the registration granted to such Voluntary Child Development Centre. Additional penalty where an offence is committed by a Manager etc.
33. (1) It shall be the duty of the Director of a hospital or any other officer duly authorized in that behalf, to take all preliminary steps necessary to ensure the registration of the birth of a child born in such hospital who is found to be an orphan or a deserted a child, prior to such child being released from the hospital. It shall be the duty of the Director of the hospital or any other officer duly authorized in that behalf, to inform such births. Once such birth has been duly registered, it shall be the duty of the Director of the hospital to inform the Commissioner forthwith and the Director of a hospital shall take all necessary steps to admit such child to a Provincial Child Development Centre which is administered by the Provincial Department of Probation and Child Care services. Registration of a birth
34. In respect of every child who is admitted to a Provincial Child Development Centre within the Province, it shall be the duty of the Probation Officer in charge of the unit or an officer authorized in that behalf by the Commissioner, to submit a detailed report containing all information pertaining to such child to the Commissioner, within thirty days of admitting such child to the Provincial Child Development Centre. Examination report
35. It shall be the duty of the Commissioner to perform all duties connected with the placement of a child admitted to a Provincial Child Development Centre within the Province and he may in the performance of such duty, obtain the assistance of a Placement Committee. Placement of a child

Requirement for registration under this statute	36. Notwithstanding the fact that any Voluntary Child Development Centre which is established within the Province and has been registered with the Social service Department of the Province, if such Home is a “Voluntary Child Development Centre” within the meaning of this Statute, such home shall be required to be registered under this Statute.
Interpretation	<p>37. In this Statute, unless the context otherwise requires -</p> <p>“Child” means a person under the age of Eighteen years;</p> <p>“Voluntary Child Development Centre” means a Child Development Centre being maintained fully or partly out of voluntary funds providing accommodation facilities, protection and undertaking the guardianship of children who are orphan, deserted, helpless and Children need care and security on court orders;</p> <p>“Provincial Child Development Centre” a Children Development Centre of the Province established under Section 24 of this statute and administered by Provincial Department of Probation and Child Care Services</p> <p>“Orphan” when applied to a legitimate child, means a child, both of whose parents are dead or one of whose parents is dead, the other being incapable of acting as a parent, and when applied to an illegitimate child, means a child whose mother is dead;</p> <p>“deserted” when applied to a legitimate child, means a child deserted by both parents or deserted by one parent, the other being dead or incapable of acting as a parent or a child both of whose parents are incapable of acting as parents, and when applied to an illegitimate child means a child deserted by his or her mother or a child whose mother is incapable of acting as a parent;</p> <p>“helpless” means a child whose father and mothers is dead who is deserted by one parent, the other being dead or incapable of acting as a parent and needs care and safety, whose parents are receiving Public Assistance from Government Department or Local Government Institution; one parent of whom is permanently ill and the other (mother or father) has no fixed income; one parent of whom is in prison and other (mother or father) has no fixed income; a child of whose one parent is mentally affected and other has no fixed income; a child of whose parents are separated by a court order or other means and either mother or father is in custody of the children and do not have any fixed income.</p> <p>“Children who need custody and security on court order” means a child is in need of care and protection under the Children and Young Persons Ordinance No. 48 of 1939 ;</p> <p>“Inspector” means an Inspector of a Child Development Centre appointed by the Commissioner under Section 12;</p> <p>“Manager” means the person responsible for the management of a Registered Voluntary Child Development Centre and in the case of a Child Development Centre that has not been established, means the person proposed to be appointed or appointed as Manager after its establishment;</p> <p>“Minister” means the Minister in charge of the subject of Probation and Child Care Services of the Province;</p> <p>“Placement Committee” means a committed appointed under the minimum quality standards required for the establishment of a Voluntary Child Development Centre as set out in Schedule 01 of this statute.</p> <p>“Probation Officer” means an officer appointed as a Probation Officer under Section 17 of the Probation of Offenders Ordinance (Chapter 24);</p>

“Registered Voluntary Children Development Centre” means a Children Development Centre which is registered under Section 8 of this Statute; and

“Unit” means a probation unit established for the judicial division under the Probation of Offenders Ordinance (Chapter 24);

38. (1) Any orphanage which has been registered under the Orphanage Ordinance (Chapter 142) and is being operated and maintained on the date of the coming into operation of this statute shall, notwithstanding the provisions contained in Section 2 of this Statute, but subject to the provisions of Subsection (2), be permitted to continue to be operated and maintained as such from the date of the coming into operation of this Statute, for a period of six months. Savings

(2) Prior to the expiry of the period of six months referred to in Sub section (1), an orphanage referred to in that Sub section shall be required to make an application under Section 7 of this Statute for the registration of such orphanage as a Registered Children Development Centre.

(3) Where an application is made for registration under subsection (2) of this Section, the Commissioner shall grant a Temporary Certificate of Registration in the form specified in Schedule V of this statute which shall be valid for a period of six months and the Commissioner shall require, as may be appropriate, to comply, with the requirements specified in Sections 4 and 8 before the expiry of such period, and thereafter make a decision to register such Orphanage as a Voluntary Children Development Centre under this Statute.

39. In the event of any inconsistency between the Sinhala, Tamil and English versions of this Statute, Sinhala version shall prevail.

Section 5 (1)

SCHEDULE I

Application for Provisional Approval and Registration to establish a Voluntary Child Development Center under Section 5 (1) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018

1. Name of the Voluntary Child Development Centre seeking approval (shall have proved by a copy of relevant constitute)
2. Registration Number given on being registered as a voluntary organization:-
3. Sex and maximum and minimum age of the children who are proposed to be admitted to the Child Development Centre
4. Sources of the funding available for the maintenance of the proposed Child Development Centre:-
5. Total amount of the funds available for expenditure for the establishment of the proposed Child Development Centre:-
6. Names and addresses of the Member of the Board of Management of the Proposed Child Development Centre:-
7. Whether the applicant has satisfied the minimum standards by regulation
8. Details on the ownership of the property in which the proposed Child Development Centre is to be established (shall have produced the deed and other legal documents to prove the ownership)
9. Approved plan of the building or buildings currently found in the premises and building or buildings to be constructed for the maintenance of the proposed Child Development Centre.

I do hereby declare that the above information is true and correct.

.....
Signature of the Chairman of the Board of
Management of the proposed Child Development Centre.

Date:.....

[Section 6 (2) (b)]

SCHEDULE II

Provisional Approval Certificate under Section 6 (2) (b) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018

I,, Commissioner of Probation and Childcare Services for the
Province, do hereby issue under Section 6 (2) (b) of the Voluntary Child Development Centre Statute of Central Province No.
..... of 2018, this Provisional Approval Certificate for the establishment of the Child Development Centre at
.....to be called and known as

Date:.....

.....
Signature and the official stamp of the Commissioner of
Probation and Child Care Services.

[Section 8 (2) (a)]

SCHEDULE III

Certificate of Registration under Section 8 (2) (a) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018

I,, Provincial Commissioner of Probation and Childcare Services for the Province, do hereby certify that the Child Development Centre established at, and called and known as, was registered by me as a Registered Child Development Centre under Section 8 (2) (a) of the Voluntary Child Development Centre Statute of Central Province No.

Issued on this day of, 20.....

Date:.....

.....
Signature and the official stamp of the Commissioner of
Probation and Child Care Services

SCHEDULE IV

[Section 15 (1)]

Report under Section 15 (1) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018

Name and location of the Registered Child Development Centre:-

- Number, and sex of the children accommodated at the Child Development Centre, as on the date hereof
- Number of cases of serious illness among the children in the Child Development Centre during the three months immediately preceding the date hereof and the nature of the illness in each case.
- Nature and quantity of the normal diet of the children in the Child Development Centre and number of meals given per day to each such child.
- Number of children (if any) who had left the Child Development Centre during the months immediately preceding the date hereof and the cause for leaving.

Date:.....

.....
Signature and the official stamp of the Chairman of the
board of management of the Registered Child
Development Centre

SCHEDULE V

[Section 38 (3)]

Temporary Certificate of Registration under Section 38(3) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018

Temporary Certificate of Registration under Section 41 (3) of the Child

Development Centre Statute of Central Province No. 04 of 2016,

I,, the Provincial Commissioner of Probation and Childcare Services of Province, do hereby issue this Temporary Certificate of Registration under section 38(3) of the Statute for Voluntary Child Development Centers of Central Provincial Council No. 04 of 2018, to the Orphanage established under the Orphanages Ordinance (Chapter 142) at and called and known as, which shall be valid for a period of six months from day of20.....

Date:.....

.....

Signature and the Official Stamp of the Commissioner of Probation and Child Care Service.