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The Gazette of the Democratic Socialist Republic of Sri Lanka

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PART IV (A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

Northern Province, Provincial Council

Northern Province Child Development Center Statute No. 04 of 2016

NOTICE is hereby given that the Northern Province, Provincial Council has adopted the Northern Province Child Development Center Statute No : 04 of 2016, on 22nd September 2016 and that the Hon. Governor, Northern Province has granted his Assent to it on 21st November 2016.

K. THEIVENDRAM,
Secretary,
Council Secretariat,
Northern Provincial Council.

Council Secretariat,
A 9 Road,
Kaithady,
22nd November, 2016.



CHILD DEVELOPMENT CENTRE STATUTE OF THE
NORTHERN PROVINCE

Regulation of Sections

1. Short title and date of operation.

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A STATUTE TO PROVIDE FOR THE REGISTRATION, SUPERVISION AND ADMINISTRATION OF CHILD DEVELOPMENT CENTRES; THE PROTECTION OF THE RIGHTS OF CHILDREN ACCOMMODATED IN SUCH CHILD DEVELOPMENT CENTRES AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO. THIS STATUTE IS INCONSISTENT WITH THE PROVISIONS OF THE ORPHANGES ORDINANCE (CHAPTER 142)

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

Short title and date of operation.

1. This statute may be cited as the Northern Province Child Development Centre Statute, No. 04 of 2016 and shall come into force on such date as the Governor of the Northern Province may give his assent thereto.

PART I

Registration of a Child Development Centre

Requirements to register a Child Development Centre.

2. On and after the coming into force of this Statute, a Child Development Centre for orphans or deserted children between the ages of five to eighteen (hereinafter referred to as the “Children”) shall not be established or maintained within the Northern Province, except upon being registered for that purpose under the provisions of this Statute.

Management and administration of Registered Child Development Centre.

3. (1) The Provincial Commissioner of Probation and Child Care services (hereinafter referred to as the “Provincial Commissioner”) shall be charged with the responsibility of ensuring the efficient management and administration of the Registered Child Development Centres.

(2) The Provincial Commissioner shall exercise, discharge and perform the powers, functions and duties as may be assigned to him under this statute.

(3) The Provincial Commissioner may, subject to such conditions as he may think delegate to an officer, such of his powers, functions and duties and such officer may exercise, discharge and perform such powers, functions and duties and are assigned to him.

(4) The Provincial Commissioner may, whenever he deems appropriate to do so exercise, discharge and perform all or any of the powers, functions and duties delegated to an officer.

Qualifications for registration.

4. The qualifications required to be eligible for the registration of a Child Development Centre under this Statute are as follows:-

(a) the applicant shall be a voluntary organization registered under the provisions of the Voluntary Social Services Organizations (Registration and Supervision) Act, No. 31 of 1980 or an institution incorporated by a Statute of the Northern Provincial Council having as one of the objects of its constitution. The establishment and maintenance of a Child Development Centre;

(b) the applicant shall have sufficient finance for the establishment and maintenance of a Child Development Centre;

(c) the applicant—

(i) shall have proposed separate Boards of Management for males and females for the administration of the proposed Child Development Centre, consisting of seven members including a Chairman, a Vice Chairman, a Secretary, a Deputy Secretary, a Treasurer and a Manager;

(ii) Shall ensure that the Chairman, the Secretary, the Treasurer and the Manager of the proposed Child Development Centre are citizens of Sri Lanka and residents within the boundaries of the Northern Province at least three years continuously;

(iii) Shall ensure that not less than three members of the Board of Management are permanent residents of the Divisional Secretariat Division or the District, as the case may be, within which the proposed Child Development Centre is to be established;

(d) the applicant shall have the possession of the movable and immovable property of the proposed Child Development Centre;

(e) the applicant shall ensure that the place where the proposed Child Development Centre is to be established is a safety environment;

(f) the land in which the proposed Child Development Centre is to be established shall be in the name of the voluntary organization or incorporated institution or, shall be received by such organization or incorporated institution on lease for at least twenty five years;

(g) members shall not be subject to any grounds for refusal specified in section 9; and

(h) the applicant shall satisfy the minimum standards required for the establishment of a Child Development Centre as set out in Schedule I to this Statute.

5. (1) A voluntary organization or incorporated institution which desires to establish a Child Development Centre within the Northern Province may where it satisfies the qualifications specified in section 4 of this Statute, apply for a provisional approval to establish such proposed Child Development Centre, in the form specified in Schedule II to this Statute, which shall be signed by the person who is assigned to function as the Manager of such proposed Child Development Centre.

Application for the provisional approval to establish a Child Development Centre.

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

(3) The report referred to in sub-section (2) shall, among 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 Provincial Commissioner shall, upon examining the contents of the report submitted to him under sub-section (2) of section 5, and having –

Grant of provisional approval.

(a) determined the need 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 number of Registered Child Development Centre 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,

arrive at a decision as to whether or not to grant provisional approval for the establishment of the Child Development Centre concerned.

(2) It shall be the duty of the applicant to furnish any information and details required by the Provincial Commissioner relating to establishment of Child Development Centre.

(3) A decision on any application received by the Provincial Commissioner shall be made with a period of three months from the date of receipt of such application and where the Provincial 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 III to this Statute.

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

Establishment of the 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 fourteen days prior to the expiry of period of validity of such Provisional Approval Certificate, to establish the Child Development Centre to which it relates and submit a report of its completion along with an application as may be determined by the Provincial Commissioner for the registration of such Child Development Centre as a Registered Child Development Centre for the Purpose of this Statute.

(2) In the event the person to whom a Provisional Approval Certificate is issued is unable to complete the establishment of the Child Development Centre within the period of six months referred to in sub-section (1), such person may, on a written request made in that behalf to the Provincial Commissioner, be granted an extension of a further period up to a maximum of another six months.

Registration of a Child Development Centre.

8. (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 Provincial 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 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 Child Development Centre should therefore be declared as a Registered Child Development Centre for the purpose of this Statute.

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

(a) register such Child Development Centre as a Registered Child Development Centre and issue a Certificate of Registration in the form specified in Schedule IV to this Statute; or

(b) refuse to register such Child Development Centre a Registered Child Development Centre on any one or more grounds referred to in Section 9 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.

(4) Where the Provincial 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 10 of this Statute shall, *mutatis mutandis*, apply to and in respect of any children who may have been admitted to such Child Development Centre after the grant of the Provisional Approval Certificate.

9. An application for the registration of a Child Development Centre as a Registered Child Development Centre under subsection (1) of section 8, may be refused by the Provincial Commissioner, on any one or more of the following grounds—

Grounds for refusal of a registration.

(a) where the Provincial Commissioner is satisfied that the applicant does not have or is not able to obtain adequate resources to administer and maintain such Child Development Centre;

(b) where the Provincial Commissioner is satisfied that the applicant has failed to provide or obtain adequate resources necessary to provide education or any other training, accommodation facilities, guardianship, protection and maintenance to the Children in the Child Development Centre;

(c) where the Provincial Commissioner is satisfied that the Manager of the Child Development Centre or any person working in the Child Development Centre in a voluntarily capacity or, any officer or other employee of the Child Development Centre or any other person associated with the administration of the Child Development Centre, is a person who has been convicted of an offence;

(d) where the Provincial Commissioner is satisfied that the reputé or character of any person or persons employed in or working at the Child Development Centre is such that it renders him unsuitable to be so employed or work in a voluntary capacity in the Child Development Centre or to be associated in working with the children resident in such Child Development Centre;

(e) Where the Provincial Commissioner is satisfied that the Child Development Centre concerned would be unable to maintain the minimum standards for Registered Child Development Centres specified by the Minister under section 12; or

(f) any other grounds as may be determined by the Minister from time to time, by Notice Published in the *Gazette*. Such notice shall be placed before the Provincial council within three months.

(g) In case of refusal by the Provincial Commissioner, the applicant shall have the right of appeal to the Minister who shall appoint an appropriate committee consisting three members to go into it and the decision of that committee shall be final.

10. (1) A child shall not be admitted to a Registered Child Development Centre

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

(a) without the prior approval of the Provincial 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 Provincial Commissioner at the time of registering such Child Development Centre as a Registered 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 Child Development Centre without the prior approval of the Provincial Commissioner.

(3) The Manager of the Registered Child Development Centre shall inform to the Probation officer, Child Rights Promotion Officer or Officer of the National Child Protection Authority relating to the admission of the child under subsection (2) within twenty four hours from such admission and shall receive such approval of the Provincial Commissioner within two weeks from such admission.

(4) 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, the Manager of the Registered Child Development Centre Shall take necessary action within twenty fours hours.

(5) Any convicted child or any child affected by any abuse shall not be admitted to the Registered Child Development Centre established under this Statute.

Renewal of
Certificate of
Registration.

11. 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 4 of this Statute shall *mutatis mutandis* apply to and in respect of such application for renewal.

Minimum
standards to be
maintained by
Registered Child
Development
Centre.

12. (1) The Minister may, by an Order Published in the *Gazette* specify the minimum standards that should be maintained by a Registered Child Development Centre and it shall be duty of the Board of Management of the Registered Child Development Centre to strictly comply with all standards so specified. Such notice shall be placed before the Council within three months.

(2) In the case of emergency, a Registered Child Development Centre may be exempted by the Provincial Commissioner from complying with the minimum standards specified in an Order published under subsection (1) for a specified period of time.

PART II

Inspectors and Visitors

Appointment of
Inspectors.

13. (1) The Provincial Commissioner shall for the purposes of this Statute, appoint by name or office any Public officer or any retired public officer, as an Inspector or Inspectors of Registered Child Development Centres within the Northern Province.

(2) An Inspector appointed under subsection (1) shall in the performance and discharge of his duties and functions, act on the advice or instructions that may be issued by the Provincial Commissioner and be subject to his authority.

Inspection and
supervision of
Registered Child
Development
Centres.

14. (1) The Provincial Commissioner or an Inspector appointed under section 13, may at anytime enter and inspect a Registered 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 children resident in such Registered Child Development Centre, including an examination into the state and management of the Registered 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 Child Development Centre.

(2) Every Inspector shall submit a report to the Provincial Commissioner at the end of the inspection under subsection (1).

Appointment of
Visitors.

15. (1) The Minister may appoint any one or more persons, by name or office, to be visitors of every Registered Child Development Centre within the Northern Province.

(2) A person appointed to be a visitor, may exercise in respect of each Registered Child Development Centre that he visits, the powers conferred on an Inspector by section 14 of the Statute.

(3) Every visitor shall submit a report to the Minister with a copy to the Provincial Commissioner at the end of the inspection under subsection (1).

PART III

Closure of a Registered Child Development Centre, suspension or cancellation of Certificate of Registration

16. (1) Where a registered voluntary organization or institution incorporated by a Statute of the Northern Province passes a resolution to close a Registered Child Development Centre, such voluntary organization or institution shall forthwith inform to the Provincial Commissioner about such resolution.

Procedures to be followed at the closure of a Registered Child Development Centre.

(2) Every resolution under subsection (1) shall come into operation after lapse of period of six months from the date of resolution.

(3) It shall be the duty of the Board of Management of such Registered Child Development Centre to continue to provide guardianship, protection and maintenance to any children resident therein until such time as the children concerned are removed from such Registered Child Development Centre.

(4) On the date of such resolution, all the movable and immovable property received or held in the name of or by the account of such Registered Child Development Centre shall be forfeited to the Provincial Commissioner.

17. (1) A Certificate of Registration issued under section 8 shall be suspended or cancelled if-

Suspension or cancellation of Certificate of Registration.

(a) it is found that the Certificate of Registration had been obtained by providing false, misleading or inaccurate information;

(b) the manager or member of the Board of Management of the Registered Child Development Centre has contravened any provisions of this Statute or any regulation, direction or Order made under this Statute;

(c) the Registered Child Development Centre becomes danger to the safety of the Children; or

(c) the Registered Child Development Centre has willfully fails to comply with the guidelines or standards.

(2) Where a Certificate of Registration issued is suspended or cancelled as the case may be under subsection (1), It shall be duty of the Provincial Commissioner to inform forthwith to the Manager of such suspension or cancellation, by a written communication sent under registered post to the address given by the Manager.

(3) Where the Certificate of Registration is cancelled under subsection (1), all the movable and immovable property received or held in the name of or by the account of such Registered Child Development Centre on the date of cancellation shall be forfeited to the Provincial Commissioner.

18. (1) Where the Provincial Commissioner is of the opinion, that-

Issue of general and special directions by the Provincial commissioner.

(a) the manner in which a Registered Child Development Centre is being administered is not satisfactory;

(b) the accommodation facilities made available to the children in such Registered Child Development Centre are not adequate or conducive to the welfare of the children resident therein;

(c) the manner in which the children are being cared for, has a negative effect of the well being and protection of the children resident in such Registered Child Development Centre;

(d) the minimum standards specified by the Minister under section 12 of this Statute are not being maintained; or

(e) any terms and conditions prescribed under subsection (3) of section 8 are not being complied with,

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

Order of
cancellation.

19. (1) Where an application is made to a Magistrate's Court by the Provincial Commissioner under subsection (4) of section 18, the Magistrate shall, on being satisfied after an inquiry held for that purpose that the Board of Management has failed to comply with any general or special directions issued by the Provincial Commissioner, 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 Child Development Centre concerned, should not be cancelled due to such failure.

(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 Child Development Centre concerned.

(3) Where an order is made under subsection (2) cancelling the Certificate of Registration of a Registered Child Development Centre, the Provincial Commissioner or Inspector or any person who is duly authorized in that behalf by the Provincial Commissioner shall have the power to enter into such Registered Child Development Centre, and-

(a) remove the children resident in such Registered Child Development Centre to another Registered Child Development Centre within the Northern Province;

(b) hand over the children to their parents; or

(c) remove the children to any other location as may be determined by the Provincial Commissioner.

(4) Where the Certificate of Registration is cancelled under subsection (2), all the movable and immovable property received or held in the name of or by the account of such Registered Child Development Centre on the date of cancellation shall be forfeited to the Provincial Commissioner.

20. (1) Any person who shall be dissatisfied with any order made by a Magistrate under subsection (2) of section 19 may prefer an appeal to the relevant High Court established by Article 154P of the Constitution in like manner as if the order was a final order pronounced by Magistrate's Court in a criminal case or matter, and sections 320 to 330 (both inclusive) and sections 357 and 358 of the Code of Criminal Procedure Act, No., 15 of 1979 shall, *mutatis mutandis*, apply to such appeal.

Right to appeal.

(2) Any person dissatisfied with an order made by a High Court in the exercise of its appellate jurisdiction under this section, may prefer an appeal there from to the Supreme Court, on a Question of law, with the leave of the High Court, and where such leave is refused, with the special leave of the Supreme Court first had an obtained.

21. (1) A Provincial High Court shall have the power to make anyone of the following orders on an appeal made to it under subsection (1) of Section 20—

Order to be made on appeal.

(a) affirm, reject or vary the order made by the Magistrate's court;

(b) grant the Board of Management, Permission to show cause before the Magistrate; or

(C) make any other order as it may deem just in the circumstances of the case.

22. (1) The manager of a Registered Child Development Centre shall be required to comply with any directions or instructions issued by the Provincial Commissioner with regard to the replacement of any child resident in such Registered Child Development Centre and no child resident in such Registered Child Development Centre shall be transferred to any other Registered Child Development Centre or be removed from such Registered Child Development Centre in any manner, without the prior approval of the Provincial Commissioner.

Transfer of children from a Registered Child Development Centre.

(2) The manager of a Registered Child Development Centre shall hear the opinion of the child relating to transfer of residence of child residing in such Registered Child Development Centre shall be and the importance shall be given to the best interest of the child.

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

23. (1) Any child shall not be admitted to any Registered Child Development Centre, the Certificate of Registration of which has been cancelled.

Effect of a cancellation of a Certificate of Registration.

(2) Any child who was resident in any Registered 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 Child Development Centre to continue to provide guardianship, protection and maintenance to any child 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 Child Development Centre.

PART IV

Child Development Centre of the Northern Province

24. (1) The Minister may establish a Child Development Centre of the Northern province to be maintained by the Northern Provincial Council, for the reception, guardianship, protection and maintenance of any children who may be removed from a Registered Child Development Centre, due to the

Child Development Centre of the Northern Province.

suspension or cancellation of its Certificate of Registration or failure to convert the Provisional Approval Certificate to Certificate of Registration or refusal of renewal of the Certificate of Registration under this Statute, until alternate arrangements are made.

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

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

(4) The management of a Child Development Centre of the Northern Province established under this section shall be entrusted to a Board of Management which shall consist of the Provincial Commissioner who shall be its Chairman and not more than three other members to be appointed by the Minister, and the person appointed as the Warden of such Child Development Centre of the Northern Province shall be the Secretary of the Board.

Duties of the Warden of a Child Development Centre of the Northern Province.

25. (1) The Warden of a Child Development Centre of the Northern Province, 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 Northern Province and in accordance with any advice or instructions that may be issued by the Provincial commissioner from time to time.

(2) The warden shall take all necessary steps to ensure adequate guardianship, protection and matintenance to the children admitted to the Child Development Centre of the Northern Province and take all necessary action to transfer as soon as possible such children to a Registrered 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.

(3) Where the Warden takes action to transfer any child to a Registered Child Development Centre, he shall obtain the prior approval of the Provincial Commissioner for that purpose. The Provincial cmmissioner may grant such approval upon the receipt of a report from the Probation Officer.

PART V

Receiving Home

Care of children less than five years of age.

26. (1) An orphan or a deserted child who is less than five years of age, shall be accommodated, placed and protected only in a Receiving Home which is administered by the Department of Probation and Child Care Services of the Northern Province.

(2) Any person who becomes aware that a Child under five years of age has become an orphan or has been deserted, may frothwith inform the Officer-charge of the nearest police station, any police officer, an officer of the Department of Probation Child care Services of the Northern Province or the Grama Niladhari of the area, as the case may be, of such fact.

(3) It shall be the duty of any officer who receives information under sub section (2), to take necessary action to forthwith admit the child concerned to the nearest Government hospital for a medical examination.

(4) Where on examination the child is found not to be in need of any medical treatment, it shall be the duty of the Director of the hospital or any officer duly authorized in that behalf with the consent of the Provincial Commissioner, to admit the Child concerned to a Receiving Home situate within the Northern Province.

27 (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 child, prior to such child being released from the hospital.

Registration of a birth.

(2) Once such birth has been duly registered, it shall be the duty of the Director of the hospital to inform the Provincial Commissioner forthwith and the Provincial Commissioner shall take all necessary steps to admit such child to a Receiving Home situate within the Northern Province.

28. In respect of every child who is admitted to a Receiving Home within the Northern Province, it shall be the duty of the Probation Officer in charge of the unit or an officer authorized in that behalf by the Provincial Commissioner, to submit to the Provincial Commissioner within thirty days of admitting such child to the Receiving Home, a detailed report containing all information pertaining to such child.

Submission of an examination report.

29. It shall be the duty of the Provincial Commissioner to perform all duties connected with the placement of a child admitted to a Receiving Home within the Northern Province and he may in the performance of such duty, obtain the assistance of an appropriate Placement Committee.

Placement of a child.

PART VI

Finance

30. (1) The Provincial Commissioner shall use any funds made available, by the Government or from the Provincial Fund by the Northern Provincial council under its annual estimates or any money or 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.

Availability of resources.

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

(3) (2) The provisions of section 23 (1) and 23 (2) of the provincial council Act No. 42 of 1987 shall apply in this regard and the accounts of the Child Development Centre shall be audited annually by the Auditor general or a Qualified auditor appointed by the Auditor general in terms of Article 154 of the Constitution.

31. The annual income and expenditure and the accounts of each registered Child Development Centre shall be audited by a qualified auditor and be submitted annually to the Provincial commissioner.

Audit of accounts.

PART VII

Offences

32. Any person or body of persons who—

(a) establishes a Child Development Centre without obtaining a Provisional Approval Certificate for the same or continue to operate as a 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 Child Development Centre under this Statute; or

(c) continues to operate as a Registered Child Development Centre after the cancelation of its registration.

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

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.

33. (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; or

(b) where such offence is being committed for the Second time, or thereafter, a to 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; or

(a) 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.

Obstructions the Provincial Commissioner etc., to be an offence.

34. Any person who resists or obstructs the Provincial Commissioner, Probation Officer, an inspector, a visitor or any officer authorized by the Provincial Commissioner, in the performance of any duty or in the discharge of any function or in the exercise of any power imposed on the Provincial commissioner, Probation Officer, an inspector or visitor or any officer authorized by the Provincial commissioner, by or under this Statute, 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.

General penalty.

35. Any person who acts in contravention of any provisions of this Statute or any regulations, directions or Order made there under, shall be 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 six months or to both such fine and imprisonment.

Offences committed by a body of persons.

36. Where an offence under this Statute is committed by a body of persons, then, if that body of persons is—

(a) the Board of Management which is administering a Child Development Centre or a Registered Child Development Centre, as the case may be, every member of such Board of Management;

(b) a body corporate, every director, manager, secretary or an officer of that body corporate; 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 proves that the offence was committed without his consent or concurrence and that he exercised all due diligence to prevent the commission of such offence.

37. Where an offence under this Statute is committed by the Manager, a member of the Board of Management of a Registered Child Development Centre or any member of the staff of such a Registered 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 Child Development Centre.

Additional penalty where an offence is committed by a Manager etc.

PART VIII

Miscellaneous

38. The Provincial Commissioner shall, on application made in that behalf by the Manager of a Registered Child Development Centre pay in respect of each child resident in such Registered Child Development Centre, a sum of money determined by the Minister as a relief, maintenance grant to be used for the benefit of each child.

Relief payment by the Provincial commissioner.

39. (1) The Minister may make regulations for the purpose of carrying out or giving effect Regulations to 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 or any of the following matters-

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

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

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

(d) procedure for inspection of Registered Child Development Centre;

(e) the circumstances in which children may be admitted to or discharged from a Registered Child Development Centre; and

(h) 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 Placed before the Northern Provincial Council within three months of such Gazetting and be approved by such Northern Provincial Council.

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

(5) Notification of the date on which any regulation shall be deemed to be rescinded, shall be published in the *Gazette*.

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

Submission of reports to the Provincial Commissioner.

(2) Notwithstanding the provisions of subsection (1), the Provincial Commissioner or any officer authorized in that behalf by the Provincial commissioner shall have the power to request the Manager of a Registered Child Development Center by a notice issued in that behalf, to submit a report on any particular matter relating to the administration of such Registered Child Development Centre or to

provide any information considered necessary, to ensure the best interest of the Children resident in such Registered 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.

Annual financial statement of a Registered Child Development Centre.

41. (1) An annual financial statement in respect of each Registered 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 or incorporated institution and the financial statement so prepared shall be adopted at an Annual General Meeting of the organization or incorporated institution.

(2) The financial statement prepared under subsection (1), shall be forwarded to the Provincial Commissioner by the Manager of the Registered Child Development Centre concerned, on or before the 30th of April of each year.

Registration of Children's Home.

42. Notwithstanding the fact that any Children's Home which is established within the Northern Province has been registered with the Social service Department of the Northern Province, if such Home is a "Child Development Centre" within the meaning of this Statute, such Home shall be required to be registered under this Statute.

Interpretation.

43. In this Statute, unless the context otherwise requires:-

"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 orphans and deserted children;

"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;

"Inspector" means a an Inspector of Registered Child Development Centre appointed by the Provincial Commissioner under section 13;

"Manager" means the person responsible for the management of a Registered Child Development Centre and in the case of a Child Development Centre that has not been established, means the person proposed to be appointed as Manager after its establishment;

"Minister" means the Minister in charge of the subject of Probation and Child Care Services of the Northern Province;

"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;

"Probation Officer" means an officer appointed as a Probation Officer under section 17 of the Probation of Offenders Ordinance (Chapter 24);

"Children Development Centre of the Northern Province" means a Children Development Centre of the Northern Province established by the Minister under section 24 of this Statute;

"Receiving Home" means Receiving Home which is being administered by the Provincial Department of Probation and Child Care Services under section 26 of this Statute;

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

“Warden” means the person appointed by the Minister under Sub section (3) of section 25 of this Statute, to be in charge of a Child Development Centre of the Northern Province.

44. (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 8 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 Provincial commissioner shall grant a Temporary Certificate of Registration in the form specified in Schedule VI of this Statute which shall be valid for a period of six months and the Provincial 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 Children Development Centre under this Statute.

45. In the event of any inconsistency between the Tamil and Sinhala versions of this Statute, between the Tamil version shall prevail. Tamil text to prevail in the case of inconsistency.

SCHEDULE I

[Section 4(h)]

Minimum Standards for the Establishment of a Child Development Centre

1. The members of the Board of Management of the Child Development Centre shall submit the police report and character references from public officers.
2. The members of the Board of Management of the Child Development Centre and the members of the staff shall obtain approval to work with children from the Department of probation and child Care Services of the Northern Province.
3. The majority of the members of the Board of Management of the female Child Development Centre shall be females and female caregivers shall be appointed.
4. The staff shall not have been accused in criminal cases relating to adult or child abuse, whether convicted or not.
5. (i) The members of the Board of Management and the members of the staff should have passed two subjects in the General Certificate of Education (Advance Level); should have completed training in relation to child development and child psychology; and should have minimum 5 years' experience relating to childcare; and be aged between 30 to 60 years.
 - (ii) The caregivers should have passed 6 subjects in the General Certificate of Education (Ordinary Level) including Mathematics and Tamil; should have minimum 2 years' experience relating to childcare; and be aged between 25 to 60 years.
 - (iii) Any volunteers should have passed 6 subjects in the General Certificate of Education (Ordinary Level) including Mathematics and Tamil; should have minimum 1 month experience relating to childcare; and be aged between 18 to 60 years.

6. Each child shall be placed with due regard for their religion, age, gender and mental status.
7. Children with special needs shall be given special care.
8. (1) The Child Development Centre shall provide services to only one age group of children stipulated below-
 - (i) age 6 – 10 years; or
 - (ii) age 11 – 18 years.

(2) Both male and female children could be accommodated together under group (i) and only either male or female children should be accommodated at the Child Development Centre under group (ii).

9. A first aid box shall be maintained in each building where children are accommodated.
10. A library shall be maintained and the books appropriate for the children's age shall be kept there.
11. A television, radio, musical instruments, board games, art materials for drawing and painting shall be available to promote leisure activities among children.
12. Access to proper facilities shall be provided for children with physical or psychological disabilities.
13. Child Development Centre shall provide facilities within premises for the children to meet their parents, relatives and friends.
14. A functioning fire extinguisher shall be available in each part of the building of Child Development Centre.
15. In a Child Development Centre, there shall be at least 1 staff member for every 5 children under age of 6 years and at least 3 staff members for every 25 children over age of 6 years.
16. Children shall be provided appropriate education or training to become employed when they leave the care of the Child Development Centre.
17. Every child shall be provided to register with a medical Officer.
18. The Child Development Centre shall be near to the educational institution.
19. The building of the Child Development Centre shall be designed appropriately for children.
20. The building or the premises shall consist of bedrooms, toilet and bathrooms, seating area, study area, outdoor play area, garden, dining room and kitchen. Those areas shall be made accessible to children with disabilities.
21. Each child shall be allocated indoor space (36 Square feet) and have his or her own bed; mosquito nets shall be available for each bed; personal cupboard with a lock shall be available for each child; room shall have adequate lighting and ventilation.
22. A number of toilet and bathroom at a ratio of 1 toilet and a bathroom for every 8 children shall be available and bathroom and toilet facilities shall be attached to the children's rooms.
23. Water tanks shall be available at the childcare institution to provide uninterrupted access to water supply.
24. Toilet and bathroom facilities shall be available separately for males and females.
25. Adequate number of chairs and tables shall be provided for children to continue their studies.

26. The study area shall be located separated from the common areas.
27. Sufficient number of plates, cups, spoons shall be available for children.
28. A high wall fence shall be available around the premises and a watchman shall be available for 24 hours.
29. There shall be sufficient transport facilities at the Child Development Centre for children.
30. When there is no electricity, a torch or lamps shall be available.
31. In the child Development Centre, there shall be a complaint box and shall be provided to make complaints anonymously.

SCHEDULE II

[Section 6(1)]

Application for Provisional Approval

1. Name of the voluntary organization or institution seeking approval:-
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 required as specified in Schedule 1 of this Statute:-

*Attached hereto is a plan of the building or buildings to be erected for the maintenance of the proposed Child Development Centre and of the deed of the property in which the proposed Child Development Centre is to be established.

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

Date:.....

SCHEDULE III

[Section 6(3)(b)]

Provisional Approval Certificate

I,, Commissioner of Probation and Childcare Services for the Northern Province, do hereby issue under Section. 6 (3) (b) of the Child Development Centre Statute of Northern Province No. 04 of 2016, this Provisional Approval Certificate for the establishment of the Child Development Centre to be called and known as, at

Given on this day of20.....

.....
Signature of the
Provincial Commissioner of Probation and
Child care Services of the Northern Province.

Date:.....

SCHEDULE IV

[Section 6(2)(b)]

Certificate of Registration

I,, Commissioner of Probation and Childcare Services of the Northern 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 Child Development Centre Statute of Northern Province No. 04 of 2016.

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

.....
Signature of the Provincial Commissioner of
Probation and Child care Services of the
Northern Province.

(Seal)

Date:.....

SCHEDULE V

[Section 40(1)]

Information Report under section 40 (1)

Name and location of the Registered Child Development Centre:-

Number, age 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 the months immediately preceding the date hereof and the cause for leaving:-

.....
Signature of the Manager of the Board
of Management of the Registered
Child Development Centre.

Date:.....

SCHEDULE VI

[Section 41 (3)]

Temporary Certificate of Registration

I,, Commissioner of Probation and Child Care Services of the Northern Province, do hereby and issue this Temporary Certificate of Registration under Section 41 (3) of the Child Development Centre Statute of Northern Province No. 04 of 2016, 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 this day of20.....

.....
Signature of the Provincial Commissioner of
Probation and Child Care Services of the
Northern Province.

(Seal)

Date:.....

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