

IN THE SUPREME COURT OF SEYCHELLES

Civil Side MA 199 of 2017

Arising from XP 114/2016

[2017] SCSC 692

In the Matter of

Trevor Keith Joseph Hobson

Heard 19 July 2017

Counsel: Ms. K. Domigue for the Applicants.

Delivered on: 01 August 2017

ORDER

Vidot J

- [1] On 15th December 2016, this Court delivered a Provisional Adoption Order in terms with Section 44(1) of the Children Act. This followed an application made by Hilda Cecile Hobson and Nicholas John Hobson for the adoption of Trevor Keith Joseph Hobson.
- [2] The Provisional Order was issued because the Applicants were not living in Seychelles and it was expected that they would subsequently confirm the Order in Northern Ireland where Mr. Nicholas Hobson has his usual residence. The Applicants averred that they are living in Ascension Island where they are working. However, they do not hold residency status in Ascension. They have attached to their application an Affidavit sworn by Walter Scott who is the Solicitor general of Ascension who confirmed that Ascension "*makes no provision for belonging / islander status. All residents on Ascension are granted leave to*

remain restricted to the duration of their employment. There is no right of indefinite leave to remain or Ascension Island status."

- [3] The Applicants further aver that they cannot have the Order of 15th December 2016 confirmed in Northern Island as they would be required to domicile in Northern Island for 3 months and since they are in full employment on Ascension that will not be possible. Mrs. Hobson further stated that at present only military planes are allowed landing rights as the airport is under repairs and not functional and so movement is restricted.
- [4] The Applicants are now facing difficulty as they are planning Trevor's further studies in the United Kingdom for the commencement of 2017/2018 academic year that starts in September 2017.
- [5] The Applicants are now making application that the Provisional Order be made final and invite Court to take special consideration as far as their residency status is concerned. They invite Court for the purposes of this case to consider the place of residence of Mrs. Hobson and the minor to be Seychelles as they don't have residency in any other country. They further argued that this will be in the best interest of the minor.
- [6] Section 34(2) of the Children Act provides that an Adoption Order shall not be made unless the child is residing in Seychelles. Section 37(1) provides that *"an adoption order may be made on the application of a married couple where each is 21 years of age or older, but an adoption order shall not otherwise be made on the application of more than one person"*. I have already in the Order of the 15th December 2016 that the Applicants are competent people for the purpose of the adoption of Trevor Keith Joseph Hopson. Mrs. Cecile Hobson is the mother of the minor and the biological father, Mr. Louis Low-Hong has given his consent to the adoption.
- [7] For the purposes of this application I find that Cecile Hobson and the minor have no other residency apart from Seychelles, despite the fact that they live on Ascension Island.
- [8] I take note of the provisions of Section 37(2) which reads thus; *'Except with the consent of the President, an adoption shall not be made of a married couple unless at least one of them is residing in Seychelles.'* As above stated I am satisfied that the residency of Mrs. Hobson is Seychelles. I further believe as fully explained in the Order of 15th December 2016 that the adoption is without doubt in the best interest of Trevor. Therefore, the said Order is herein confirmed.
- [9] Therefore in terms with Rule 16(1) of the Adoption (Adoption) Rules ("the Rules") I direct the Registrar of the Supreme Court to forward the Application together with all supporting documents to the President of the Republic for the exercise of his powers under Sections 37(2) and 38(2) of The Children Act.

[10] I further direct the Registrar that once the President has signified his consent, that within 7 days thereof, a copy of this Order and the President's consent be served on the Chief Officer of the Civil Status in terms with Rule 18 of the Rules. After receipt of the same by the Chief Civil Status Officer, he shall in terms with Section 64(2) of the Children Act, make the prescribed entry in the Adopted Children Register.

Signed dated and delivered at Ile Du Port on this 01 August 2017



M. Vidot

Judge of the Supreme Court