

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
ADOPTION CAUSE NO. 15 OF 1991  
IN THE MATTER OF HARRY. JOHN SHILLING(AN INFANT)  
BEFORE.: The Honourable Ag. Justice M. Kireju.  
RULING

This adoption petition was filed, by the. Petitioners Steven Anthony Shining and Judith Shilling, the petitioners are husband and wife and they were married on 10/12/87 in the Republic of Botswana, the marriage certificate was presented before court.

At the hearing of the petition, Steven Shilling was represented by his brother in law Mr. Steven Ssekannyo who was granted power of attorney to act on his behalf in the proceeding. Judith Shilling was present in person, and the mother of the infant Divina , Babirye with the baby were also present.

The petition is supported by the affidavits of Judith Shilling and Steven Ssekannyo. From the two affidavits with annexure thereto and the submission by the counsel for the petitioners, the following information has been noted.

The petitioners Mr. & Mrs. Steven shilling both are British citizen and resident in Botswana. The petitioners are both teachers aged 38 and 47 years respectively, they do not have any child of their own or any person resident with them. Steven Shilling is the father of Harry John shilling the child to be adopted, and Judith Shilling is related to the said child

The applicant is the father of the infant **namely Steven Shilling**. The consent *of* the parent or guardian of the infant as required under section 4(3) of the Act has been received from Divini Babirye the mother of the infant, And Steven Ssekannyo who has been looking after the infant,

section 4(4) has also been complied with as evidenced by the affidavit sworn by Judith Shilling where she agreed with her husband to adopt the infant.

Section 4(5) of the Act is as follows;

*“An adoption order shall not be made in favour of any applicant unless he is a British subject or a citizen of Uganda and is resident in Uganda or in respect of any infant unless he is a British subject or a citizen of Uganda and is resident in East Africa “*

In the affidavit of Judith Shilling and in the petition **it** is specifically stated that the petitioners are resident at Tsabong in Botswana and they are both British citizens.

The petitioners do not satisfy the requirements under this sub—section as they are not resident in Uganda. The wording of the section is mandatory; no discretion is left to the court.

Generally the law relating to adoption of children is very strict, and it is regrettable that this law has not been looked at since 1964 and some of the provisions are not up—to—date with the changes which have taken place in our society. However, until the law is amended, my hands are tied.

In the result, I cannot grant an adoption order as the petitioners are not resident in Uganda.

The petition is accordingly dismissed Judith Shilling to bear the cost of this petition.

KIREJU

23/12/91