



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 3

ADOPTION AND FOSTERING

34 Independent review of determinations relating to adoption

- (1) Section 12 of the Adoption and Children Act 2002 (c. 38) (independent review of determinations) is amended as follows.
- (2) In subsection (1)—
 - (a) omit the words “a panel constituted by”;
 - (b) at the end insert “by a panel constituted by that Minister”.
- (3) In paragraph (a) of subsection (3), omit the words from “(including” to the end of that paragraph.
- (4) After subsection (3) insert—

“(3A) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the appropriate Minister such sum as that Minister may determine.

(3B) The appropriate Minister must secure that, taking one financial year with another, the aggregate of the sums which become payable to him under regulations made by virtue of subsection (3A) does not exceed the cost to him of performing his independent review functions.”
- (5) In subsection (4) for the words “functions in relation to the panel” substitute “independent review functions”.
- (6) After subsection (6) insert—

“(6A) Payments made by the appropriate Minister in accordance with such provision shall be taken into account in determining (for the purpose of subsection (3B)) the cost to that Minister of performing his independent review functions.”
- (7) In subsection (8), after “section” insert “—

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, Part 3. (See end of Document for details)

“financial year” means a period of twelve months ending with 31st March,

“independent review function” means a function conferred or imposed on an appropriate Minister by regulations made by virtue of this section”.

Commencement Information

- I1** S. 34 in force at 31.3.2010 for W. by S.I. 2010/749, **art. 2(b)**
- I2** S. 34(1) in force at 12.2.2009 for specified purposes for E. by S.I. 2009/268, **art. 3(1)(f)(i)** (with art. 4)
- I3** S. 34(1)(4) in force at 1.4.2009 for E. so far as not already in force by S.I. 2009/268, **art. 3(2)(a)** (with art. 4)
- I4** S. 34(2)(3) in force at 12.2.2009 for E. by S.I. 2009/268, **art. 3(1)(f)(ii)** (with art. 4)
- I5** S. 34(4) in force at 12.2.2009 for specified purposes for E. by S.I. 2009/268, **art. 3(1)(f)(iii)** (with art. 4)
- I6** S. 34(5)-(7) in force at 1.4.2009 for E. by S.I. 2009/268, **art. 3(2)(a)** (with art. 4)

35 Extension of period allowed for making regulations under section 45 or 46 of the Children Act 2004

In section 47(3) of the Children Act 2004 (c. 31) (relevant time for the expiry of powers under sections 45 and 46 of that Act) for “four” substitute “ seven ”.

Commencement Information

- I7** S. 35 in force at 12.2.2009 for E. by S.I. 2009/268, **art. 3(1)(g)**
- I8** S. 35 in force at 6.4.2009 for W. by S.I. 2009/728, **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act 2008, Part 3.