
STATUTORY INSTRUMENTS

1996 No. 3257

The Adoption Allowance (Scotland) Regulations 1996

Procedure in determining whether an allowance should be paid

5.—(1) Subject to paragraphs (2) and (3), an adoption agency shall, before an adoption order is made in respect of a child whose adoption it is arranging or has arranged—

- (a) consider whether an allowance may be paid in accordance with paragraphs (1) to (3) of regulation 3;
- (b) supply information to the adopters about allowances including the basis upon which amounts of allowances are determined;
- (c) give notice in writing in accordance with paragraph (4) to the adopters of its proposed decision as to whether an allowance should be paid and the proposed amount, if any, which would be payable;
- (d) consider any representations received from the adopters within the period specified in the notice;
- (e) make a decision as to whether an allowance should be paid, determine the amount, if any, which would be payable and notify the adopters of that decision and determination.

(2) The adoption agency shall not be required in a case to which regulation 3(2)(d) or (e) of these Regulations applies, to determine the amount of an allowance unless or until—

- (i) there is a deterioration in the child's health or condition, or an increase in his age (in a case to which regulation 3(2)(d) applies); or
- (ii) the onset of the illness or disability (in a case to which regulation 3(2)(e) applies),

and as a result the child requires more care and a greater expenditure of resources than were required at the time at which he was placed for adoption.

(3) An approved adoption society which holds itself out as not being an adoption agency which normally pays allowances shall not be required to comply with sub-paragraphs (a) and (b) of paragraph (1) and need comply with sub-paragraphs (c), (d) and (e) of that paragraph as respects any adopters only if it has considered whether or not to pay an allowance to those adopters.

(4) A notice under paragraph (1)(c) shall state the period of time within which the adopters may make representations to the adoption agency concerning the proposed decision or determination and the adoption agency shall not make a decision or determination under paragraph (1)(e) until after the expiry of that period.