Adoption (Intercountry Aspects) Act 1999

1999 CHAPTER 18

Implementation of Convention

1 Regulations giving effect to Convention.

(1) Subject to the provisions of this Act, regulations made by the Secretary of State may make provision for giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993 (“the Convention”).

(2) The text of the Convention (so far as material) is set out in Schedule 1 to this Act.

(3) Regulations under this section may—
(a) apply, with or without modifications, any provision of the enactments relating to adoption;
(b) provide that any person who contravenes or fails to comply with any provision of the regulations is to be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both;
(c) make different provision for different purposes or areas; and
(d) make such incidental, supplementary, consequential or transitional provision as appears to the Secretary of State to be expedient.

(4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Subject to subsection (6), any power to make subordinate legislation under or for the purposes of the enactments relating to adoption includes power to do so with a view to giving effect to the provisions of the Convention.

(6) Subsection (5) does not apply in relation to any power which is exercisable by the National Assembly for Wales.

F1(7) References in this section to enactments include references to Acts of the Scottish Parliament.]
2 Central Authorities and accredited bodies.

(1) The functions under the Convention of the Central Authority are to be discharged—
   (a) separately in relation to England and Scotland by the Secretary of State; and
   (b) in relation to Wales by the National Assembly for Wales.

(2) A communication may be sent to the Central Authority in relation to any part of Great Britain by sending it (for forwarding if necessary) to the Central Authority in relation to England.

(2A) A registered adoption society is an accredited body for the purposes of the Convention if, in accordance with the conditions of the registration, the society may provide facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.

(2B) A registered adoption service is an accredited body for the purposes of the Convention if, in accordance with the conditions of its registration, the service may provide facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.

(3) An approved adoption society is an accredited body for the purposes of the Convention if the approval extends to the provision of facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.

(4) The functions under Article 9(a) to (c) of the Convention are to be discharged by local authorities and accredited bodies on behalf of the Central Authority.

(5) In this section, “registered adoption society” has the same meaning as in section 2 of the Adoption and Children Act 2002 (basic definitions); and expressions used in this section in its application to England and Wales which are also used in that Act have the same meanings as in that Act.

(6) In this section in its application to Scotland, “registered adoption service” means an adoption service provided as mentioned in section 2(11)(b) of the Regulation of Care (Scotland) Act 2001 (asp 8) and registered under Part 1 of that Act; and “registration” shall be construed accordingly.
**Annotations:**

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>F2</td>
<td>S. 2(2A) inserted (30.4.2003 for W., 1.6.2003 for E.) by Care Standards Act 2000 (c. 14), s. 122, Sch. 4 para. 27(a); S.I. 2003/365, art. 3(6)(a) (with Sch.); S.I. 2003/501, art. 2(3)(a)</td>
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<tr>
<td>F3</td>
<td>Words in s. 2(2A) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 3 para. 97(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)</td>
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<tr>
<td>F5</td>
<td>S. 2(2B) inserted (S.) (1.4.2004) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 81(2), sch. 3 para. 22(b); S.S.I. 2004/100, art. 2(e) (with arts. 3, 4) (as amended (30.9.2004) by S.S.I. 2004/377, art. 2)</td>
</tr>
<tr>
<td>F6</td>
<td>S. 2(5) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), Sch. 3 para. 98 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)</td>
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<tr>
<td>F7</td>
<td>S. 2(6) substituted (S.) (1.4.2004) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 81(2), sch. 3 para. 22(c); S.S.I. 2004/100, art. 2(e) (with arts. 3, 4) (as amended (30.9.2004) by S.S.I. 2004/377, art. 2)</td>
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**Commencement Information**

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<tr>
<td>I4</td>
<td>S. 2(1)-(4) (6) in force at 1.6.2003 for S. by S.S.I. 2003/121, art. 2(a)</td>
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</tbody>
</table>
Changes to legislation:
There are currently no known outstanding effects for the Adoption (Intercountry Aspects) Act 1999, Cross Heading: Implementation of Convention.