

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Adoption

#### Chapter 2 – The Adoption Service

#### Section 11: Fees

50. *Section 11* amplifies the powers in *section 9* in relation to the charging and payment of fees. *Subsection (1)* enables the appropriate Minister to make regulations providing for the fees which may be charged by adoption agencies for the provision of services to those providing facilities as part of the Adoption Service (including the Adoption Services in Scotland and Northern Ireland), and for the fees to be paid by adoption agencies to those providing services on their behalf or assisting in providing those services. This power could, for example, be used to make regulations to underpin or make changes to the “inter-agency fee” (a payment currently made by an adoption agency to another adoption agency which has recruited an adoptive family on its behalf). The power could also be used to make regulations to enable payments to persons assisting in the assessment of adopters, such as members of adoption panels.
51. *Subsection (2)* enables the appropriate Minister to make regulations prescribing the fees which may be charged by local authorities in respect of prescribed facilities of the Adoption Service, provided that the conditions in *subsection (3)* are met. The conditions are that the facilities must be provided in connection with the adoption of a child brought into the United Kingdom for the purpose of adopting the child, or in connection with a Convention adoption, an overseas adoption or an adoption effected under the law of a country or territory outside the British Islands (*subsection (3)*).
52. It is intended that any charges provided for by these regulations will contribute towards the local authority’s costs in providing information, preparing and assessing prospective adopters, obtaining medical reports and police checks and preparing post-placement and post-adoption reports in respect of intercountry adoption cases. They will not include any element of profit.
53. *Subsection (4)* enables regulations to prescribe the fees which may be charged by local authorities in respect of the provision of counselling provided in connection with the disclosure of information in relation to a person’s adoption. This means that regulations may enable local authorities as well as voluntary adoption agencies to charge fees for the provision of such counselling services. It also provides for those fees, charged by local authorities or voluntary adoption agencies, to be regulated. It is intended to provide for the adoption agency to be able to charge a fee to any person, other than an adopted person, who is receiving counselling in connection with the disclosure of information about an adoption made before the Act is implemented. The fee may only be for the reasonable costs incurred by the adoption agency for the provision of the counselling.
54. The types of fees which may be prescribed are set out in *section 144(2)*.