Status: *Point in time view as at 07/02/2004. This version of this provision has been superseded.*
Changes to legislation: *Adoption and Children Act 2002, Paragraph 5 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 4

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Independent review mechanism

5 After section 9 of the Adoption Act 1976 (c. 36) there is inserted—

"**9A Independent review of determinations**

(1) Regulations under section 9 may establish a procedure under which any person in respect of whom a qualifying determination has been made by an adoption agency may apply to a panel constituted by the appropriate Minister for a review of that determination.

(2) The regulations must make provision as to the description of determinations which are qualifying determinations for the purposes of subsection (1).

(3) The regulations may include provision as to—

(a) the duties and powers of a panel (including the power to recover the costs of a review from the adoption agency by which the determination reviewed was made),

(b) the administration and procedures of a panel,

(c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment),

(d) the payment of expenses of members of a panel,

(e) the duties of adoption agencies in connection with reviews conducted under the regulations,

(f) the monitoring of any such reviews.

(4) The appropriate Minister may make an arrangement with an organisation under which functions in relation to the panel are performed by the organisation on his behalf.

(5) If the appropriate Minister makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any general or special directions given by the appropriate Minister.

(6) The arrangement may include provision for payments to be made to the organisation by the appropriate Minister.

(7) Where the appropriate Minister is the National Assembly for Wales, subsections (4) and (6) also apply as if references to an organisation included references to the Secretary of State.

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Changes to legislation: *Adoption and Children Act 2002, Paragraph 5 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) In this section, "organisation" includes a public body and a private or voluntary organisation."

Commencement Information

I1 Sch. 4 para. 5 in force at 1.12.2003 for specified purposes for E. by S.I. 2003/3079, **art. 2(2)(c)**

I2 Sch. 4 para. 5 in force at 7.2.2004 for W. by S.I. 2004/252, **art. 2(d)**

Status:
Point in time view as at 07/02/2004. This version of this provision has been superseded.

Changes to legislation:
Adoption and Children Act 2002, Paragraph 5 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.