
STATUTORY INSTRUMENTS

2005 No. 2897

**The Adoption and Children Act 2002 (Commencement
No. 10 Transitional and Savings Provisions) Order 2005**

PART 3

TRANSITIONAL ARRANGEMENTS

Cases in progress under the Agencies Regulations 1983 on the appointed day

3.—(1) In relation to a case that is still in progress on the appointed day, the general rule is that any action or decision taken before the appointed day under a provision of the Agencies Regulations 1983 shall, on or after the appointed day, be treated as if it were an action or decision under the corresponding provision of the Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005⁽¹⁾.

(2) That rule is subject to the following exceptions.

(3) Where, before the appointed day, an adoption panel has considered—

- (a) whether adoption is in the best interests of the child;
- (b) whether a prospective adopter is suitable to adopt a child; or
- (c) whether a child should be placed for adoption with a particular prospective adopter,

and no decision on that question has been made by the adoption agency before the appointed day, the Agencies Regulations 1983 shall continue to apply for the purposes of making that decision.

(4) Where an adoption agency is minded to make a decision under the Agencies Regulations 1983 (whether before the appointed day or, by virtue of paragraph (3), on or after that day) as to whether a prospective adopter is suitable to adopt a child, the Agencies Regulations 1983 and the Independent Review of Determinations (Adoption) Regulations 2004⁽²⁾ shall continue to apply for the purposes of making representations or reviewing any qualifying determination in relation to that decision.

(5) Where paragraph (4) applies the periods of 28 days and 7 days specified in regulation 11A of the Agencies Regulations 1983 shall be increased to 40 working days and 10 working days respectively.

(6) Where an adoption agency has made a decision under the Agencies Regulations 1983 (whether before the appointed day or, by virtue of paragraph (3), on or after that day) that a prospective adopter is suitable to adopt a particular child—

- (a) the Agencies Regulations 1983 shall continue to apply for the purposes of placing the child with that prospective adopter and section 18 of the 2002 Act (placement for adoption by agencies) shall not apply to any such placement; and
- (b) any such placement shall be treated as if it were made under the Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005.

(1) S.I.2005/1514 (W.95).

(2) S.I. 2004/190, amended by S.I. 2004/1081 and S.I. 2004/1868.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Where a child is placed for adoption by an adoption agency before the appointed day or paragraph (6) applies, section 22 of the 2002 Act (applications for placement orders) shall not apply.