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STATUTORY INSTRUMENTS

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**2005 No. 392**

**The Adoptions with a Foreign Element Regulations 2005**

**PART 1**

**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Adoptions with a Foreign Element Regulations 2005 and shall come into force on 30th December 2005.

(2) These Regulations apply to England and Wales.

**Interpretation**

2. In these Regulations—

“the Act” means the Adoption and Children Act 2002;

“adoption support services” has the meaning given in section 2(6)(a) of the Act and any regulations made under section 2(6)(b) of the Act;

“adoptive family” has the same meaning as in regulation 31(2)(a) of the Agencies Regulations or corresponding Welsh provision;

“adoption panel” means a panel established in accordance with regulation 3 of the Agencies Regulations or corresponding Welsh provision;

“the Agencies Regulations” means the Adoption Agencies Regulations 2005(1);

“child’s case record” has the same meaning as in regulation 12 of the Agencies Regulations or corresponding Welsh provision;

“CA of the receiving State” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the receiving State;

“CA of the State of origin” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the State of origin;

“Convention adoption” is given a meaning by virtue of section 66(1)(c) of the Act;

“Convention country” has the same meaning as in section 144(1) of the Act;

“Convention list” means—

(a) in relation to a relevant Central Authority, a list of children notified to that Authority in accordance with regulation 40; or

(b) in relation to any other Central Authority within the British Islands, a list of children notified to that Authority in accordance with provisions, which correspond to regulation 40.

“corresponding Welsh provision” in relation to a Part or a regulation of the Agencies Regulations means the provision of regulations made by the Assembly under section 9 of the Act which corresponds to that Part or regulation;

“prospective adopter’s case record” has the same meaning as in regulation 22(1) of the Agencies Regulations or corresponding Welsh provision;

“prospective adopter’s report” has the same meaning as in regulation 25(5) of the Agencies Regulations or corresponding Welsh provisions;

“receiving State” has the same meaning as in Article 2 of the Convention<sup>(2)</sup>;

“relevant Central Authority”<sup>(3)</sup> means—

(c) in Chapter 1 of Part 3, in relation to a prospective adopter who is habitually resident in—

- (i) England, the Secretary of State; and
- (ii) Wales, the National Assembly for Wales; and

(d) in Chapter 2 of Part 3 in relation to a local authority in—

- (i) England, the Secretary of State; and
- (ii) Wales, the National Assembly for Wales;

“relevant local authority” means in relation to a prospective adopter—

- (a) the local authority within whose area he has his home; or
- (b) in the case where he no longer has a home in England or Wales, the local authority for the area in which he last had his home;

“relevant foreign authority” means a person, outside the British Islands performing functions in the country in which the child is, or in which the prospective adopter is, habitually resident which correspond to the functions of an adoption agency<sup>(4)</sup> or to the functions of the Secretary of State in respect of adoptions with a foreign element;

“State of origin” has the same meaning as in Article 2 of the Convention.

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(2) See section 18 of the 1999 Act for the meaning of Convention.

(3) Under section 2(1) of the 1999 Act, the functions under the Convention of the Central Authority are to be discharged in relation to England by the Secretary of State and in relation to Wales by the National Assembly for Wales.

(4) See section 2(1) of the Act for the meaning of adoption agency.