
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 3

MISCELLANEOUS PROVISIONS

Application, with or without modifications, of the Act

52.—(1) Subject to the modifications provided for in this Chapter, the provisions of the Act shall apply to adoptions within the scope of the Convention so far as the nature of the provision permits and unless the contrary intention is shown.

Change of name and removal from the United Kingdom

53. In a case falling within Chapter 1 of this Part, section 28(2) of the Act shall apply as if—

- (a) at the end of paragraph (a), “or” was omitted;
- (b) at the end of paragraph (b) there were inserted “or (c) a child is placed by a competent foreign authority for the purposes of an adoption under the Convention,”; and
- (c) at the end of subsection (2) there were inserted “or the competent foreign authority consents to a change of surname.”.

Removal of children

54.—(1) In a case falling within Chapter 1 of this Part, sections 36 to 40 of the Act shall not apply.

(2) In a case falling within Chapter 2 of this Part—

- (a) section 36 of the Act shall apply, as if—
 - (i) for the words “an adoption order” in paragraphs (a) and (c) in subsection (1) there were substituted “a Convention adoption order”; and
 - (ii) subsection (2) was omitted; and
- (b) section 39 of the Act shall apply as if subsection (3)(a) was omitted.

Modifications of the Act in respect of orders under section 84 where child is to be adopted under the Convention

55. The modifications set out in regulation 11 shall apply in the case where a couple or person habitually resident in a Convention country outside the British Islands intend to adopt a child who is habitually resident in England or Wales in accordance with the Convention.

Child to live with adopters before application for a Convention adoption order

56. Section 42 of the Act shall apply as if—
- (a) subsections (1)(b) and (3) to (6) were omitted; and
 - (b) in subsection (2) from the word “If” to the end of paragraph (b) there were substituted “In the case of an adoption under the Convention,”.

Notice of intention to adopt

57. Section 44 of the Act shall apply as if subsection (3) was omitted.

Application for Convention adoption order

58. Section 49 of the Act shall apply as if—
- (a) in subsection (1), the words from “but only” to the end were omitted;
 - (b) subsections (2) and (3) were omitted.

Offences

59. Any person who contravenes or fails to comply with—
- (a) regulation 26 (requirement to notify relevant local authority);
 - (b) regulation 27 (withdrawal of child by local authority); and
 - (c) regulation 33 (refusal of court to make Convention adoption order)

is 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.