
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for when people wish to adopt a child who is not placed for adoption with them by an adoption agency.

Regulation 3 prescribes the appropriate local authority for the purposes of section 44 of the Adoption and Children Act 2002 ('the 2002 Act') where the proposed adopters are living overseas when they wish to apply for an adoption order. This will cover for example the case of proposed adopters who are members of the armed forces or the diplomatic services posted overseas. Regulation 3 provides that in such a case the authority to which they have to give notice of their intention to adopt is the local authority in whose area the proposed adopters had last lived together when living in Wales. If the proposed adopters had not lived together in Wales, then they can choose which will be the appropriate local authority from the two local authorities for the areas in which the proposed adopters had their last homes in Wales.

Regulation 4 requires the local authority for the purpose of the investigation which it is required to arrange under section 44(5) of the 2002 Act to take steps to obtain enhanced criminal record certificates in respect of both the proposed adopters and other members of their household who are aged 18 or over.