
WELSH STATUTORY INSTRUMENTS

2015 No. 1802

The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2015

Amendment of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005

7. After regulation 5 insert—

“Restrictions on proceeding with an application

5A.—(1) Where an intermediary agency accepts an application from a relative of an adopted person for assistance in contacting the adopted person, it must not proceed with the application if a veto applies under regulation 8(1), except in circumstances referred to in regulation 8(1)(b)(ii).

(2) Where an intermediary agency accepts an application from a relative of an adopted person for assistance in contacting a person with a prescribed relationship to the adopted person, it must not proceed with the application if—

- (a) a veto applies under regulation 8(1), except in the circumstances referred to in regulation 8(1)(b)(ii); or
- (b) the adopted person does not consent to the application proceeding.

(3) Subject to paragraphs (4) to (6), where an intermediary agency accepts an application from a person with a prescribed relationship to an adopted person for assistance in contacting a relative of the adopted person, it must not proceed with the application if the adopted person does not consent to the application proceeding.

(4) An intermediary agency may proceed with an application under paragraph (3)—

- (a) if the intermediary agency has taken all reasonable steps to locate the adopted person but has been unable to do so; or
- (b) where—
 - (i) the applicant is either the spouse, child, grandchild or great grandchild of the adopted person; and
 - (ii) the applicant is seeking to contact the relative of the adopted person only to obtain information about the medical history of the adopted person’s relatives.

(5) Where paragraph (4)(b) applies, the intermediary agency must not disclose any information which, whether taken on its own or together with other information possessed by the person to whom it is being disclosed, would enable the adopted person, any relative of the adopted person or any person with a prescribed relationship to the adopted person to be identified or traced.

(6) Any requirement under this regulation for the adopted person to consent to an application proceeding does not apply if—

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- (a) the adopted person has died; or
 - (b) the intermediary agency determines that the adopted person is incapable of giving informed consent.
- (7) Where the consent of the adopted person is required under this regulation, the intermediary agency must take all reasonable steps to ensure that the adopted person has sufficient information to make an informed decision.”