



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 2

The Adoption Service

Regulations

General power to regulate adoption agencies

9.—(1) Regulations may make provision for any purpose relating to the exercise by adoption agencies of their functions in relation to adoption.

(2) The extent of the power to make regulations under this section is not limited by sections 10 to 12, 42, 53, 55 to 64 and 102 or by any other powers exercisable in respect of adoption agencies.

(3) Regulations may provide that a person who contravenes or fails to comply with any provision of regulations under this section is to be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Management, etc., of agencies

10.—(1) In relation to adoption agencies, regulations under section 9 may make provision as to—

- (a) the persons who are fit to work for them for the purposes of their functions relating to adoption;
- (b) the fitness of premises;

- (c) the management and control of their operations;
- (d) the number of persons, or persons of any particular type, working for the purposes of those functions;
- (e) the management and training of persons working for the purposes of those functions;
- (f) the keeping of information.

(2) Regulations made by virtue of subsection (1)(a) may, in particular, make provision for prohibiting persons from working in prescribed positions unless they are registered in, or in a particular part of, the register maintained under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001.

(3) In relation to appropriate voluntary organisations, regulations under section 9 may—

- (a) make provision as to the persons who are fit to manage an appropriate voluntary organisation, including provision prohibiting persons from doing so unless they are registered as mentioned in subsection (2);
- (b) impose requirements as to the financial position of an appropriate voluntary organisation;
- (c) make provision requiring the appointment of a manager;
- (d) make provision for securing the welfare of children placed by the appropriate voluntary organisation, including provision as to the promotion and protection of their health.

(4) Regulations under section 9 may make provision as to the conduct of appropriate voluntary organisations, and may in particular make provision—

- (a) as to the facilities and services to be provided by an appropriate voluntary organisation;
- (b) as to the keeping of accounts;
- (c) as to the notification to the RQIA of events occurring in premises used for the purposes of an appropriate voluntary organisation;
- (d) as to the giving of notice to the RQIA of periods during which the manager of an appropriate voluntary organisation proposes to be absent, and specifying the information to be given in such a notice;
- (e) as to the making of adequate arrangements for the running of an appropriate voluntary organisation during a period when its manager is absent;
- (f) as to the giving of notice to the RQIA of any intended change in the identity of the manager;
- (g) as to the giving of notice to the RQIA of changes in the ownership of an appropriate voluntary organisation or the identity of its officers;

- (h) requiring the payment of a prescribed fee to the RQIA in respect of any notification required to be made by virtue of paragraph (g);
- (i) requiring arrangements to be made for dealing with complaints made by or on behalf of those seeking, or receiving, any of the services provided by an appropriate voluntary organisation and requiring the appropriate voluntary organisation or manager to take steps for publicising the arrangements.

Fees

11.—(1) Regulations under section 9 may prescribe—

- (a) the fees which may be charged by adoption agencies in respect of the provision of services to persons providing facilities as part of the Adoption Service (including Adoption Services in Great Britain, the Channel Islands and the Isle of Man);
- (b) the fees which may be paid by adoption agencies to persons providing or assisting in providing such facilities.

(2) Regulations under section 9 may prescribe the fees which may be charged by adoption authorities in respect of the provision of prescribed facilities of the Adoption Service where the following conditions are met.

(3) The conditions are that the facilities are provided in connection with—

- (a) the adoption of a child brought into the United Kingdom for the purpose of adoption; or
- (b) a Convention adoption, an overseas adoption or an adoption effected under the law of a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man.

(4) Regulations under section 9 may prescribe the fees which may be charged by adoption agencies in respect of the provision of counselling, where the counselling is provided in connection with the disclosure of information in relation to a person's adoption.

Independent review of qualifying determinations of adoption agencies

12.—(1) Regulations under section 9 may establish a procedure under which any person in respect of whom a qualifying determination has been made by an adoption agency may apply to the Department for a review of that determination by a panel constituted by the Department.

(2) The regulations must make provision as to the determinations which are qualifying determinations for the purposes of subsection (1).

(3) The regulations may include provision as to—

- (a) the duties and powers of a panel;
- (b) the administration and procedures of a panel;

- (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment);
- (d) the payment of fees to members of a panel;
- (e) the duties of adoption agencies in connection with reviews conducted under the regulations;
- (f) the monitoring of any such reviews.

(4) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the Department such sum as the Department may determine.

(5) The Department must secure that, taking one financial year with another, the aggregate of the sums which become payable to the Department under regulations made by virtue of subsection (4) does not exceed the cost to the Department of performing independent review functions.

(6) The Department may make an arrangement with an organisation under which independent review functions are performed by the organisation on behalf of the Department.

(7) If the Department makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any directions given by the Department.

(8) The arrangement may include provision for payments to be made to the organisation by the Department.

(9) Payments made by the Department in accordance with such provision are to be taken into account in determining (for the purpose of subsection (5)) the cost to the Department of performing independent review functions.

(10) In this section—

“independent review function” means a function conferred or imposed on the Department by regulations made under this section;

“organisation” includes a public body and a private or voluntary organisation.