

# **ADOPTION (INTERCOUNTRY ASPECTS) ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Implementation of Convention – sections 1 and 2***

##### ***Section 1. Regulations giving effect to Convention***

16. **Section 1** enables the Secretary of State to make regulations to give effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29 May 1993 (the Hague Convention). The material parts of the text of the Convention are included as Schedule 1 of the Act.
17. The Regulations may apply and modify any provision of the enactments relating to adoption and create criminal offences. Regulations are to be made by statutory instrument.

##### ***Section 2. Central Authorities and accredited bodies.***

18. Subsection (1) provides, in accordance with Article 6.1 of the Convention, for the functions under the Convention of a Central Authority to be discharged separately in England and Scotland by the respective Secretary of State and in Wales by the Welsh Assembly. A Central Authority is the body within a political boundary or country which is responsible for implementing the Convention; duties are specified under Articles 6 to 22 of the Convention.
19. Subsection (2) provides in accordance with Article 6.2 that the Central Authority in relation to England may act as the focal point for Great Britain for any communication relating to the Convention.
20. Subsection (3) implements Articles 9 to 11. An accredited body under the Convention is a body approved by the Central Authority in the State in which they operate to carry out work under the Convention. Adoption societies approved by Secretary of State under provisions of the 1976 and 1978 Acts to provide Convention adoption services will automatically be accredited for the purposes of the Convention. Local authorities, as public authorities, will have responsibility for providing a Convention adoption service. They do not require accreditation.
21. Subsection (4) provides that the functions set out under Article 9(a) to (c) of the Convention are to be discharged by local authorities or accredited bodies on behalf of the Central Authority. By amendment of the Local Authority Social Services Act 1970 (see paragraph 1, Schedule 2 of the Act), these functions are to be social services functions within the meaning of the Act.

The functions are:

*These notes refer to the Adoption (Intercountry Aspects) Act  
1999 (c.18) which received Royal Assent on 27 July 1999*

- (a) collect, preserve and exchange information about the situation of the child and prospective adoptive parents, so far as is necessary to complete the adoption;
- (b) facilitate, follow and expedite proceedings with a view to obtaining the adoption;
- (c) promote the development of adoption counselling and post-adoption services in their States.