

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Section 64: Other provision to be made by regulations

181. *Section 64* provides for regulation making powers which will provide for the balancing of the rights of individuals, and the operation of the new duties for adoption agencies and the Registrar General under *sections 56 to 65*. *Subsection (1)* provides a power to make regulations concerning the operation by adoption agencies of their functions under *sections 56 to 65*, and the manner in which information may be received by adoption agencies.
182. *Subsection (2)* provides a power to make regulations for the recording of agreements made by virtue of *section 57(5)* and the information to be provided on an application for the disclosure of information under these provisions.
183. *Subsection (3)* provides a power to make regulations requiring adoption agencies to give prescribed persons prescribed information about their rights or opportunities to obtain information or to give their views as to its disclosure. For example, that adoption agencies must inform the birth parents and adoptive parents at the time of the placement of the child of the rights for individuals to request protected information.
184. Under *subsection (3)(b)*, regulations may be made to require adoption agencies to seek prescribed information from, or give prescribed information to, the Registrar General. Adoption agencies will be required to obtain information held on the adopted person's birth record from the Registrar General, if the agency receives a request from the adopted person for that information.
185. *Subsection (4)* provides a power to make regulations for the Registrar General to be required to disclose to any person any information which he needs to help him contact the appropriate adoption agency (defined in *section 65(1)*) and to disclose to the appropriate adoption agency information required by that agency about an entry relating to the adopted person on the Adoption Contact Register. This may assist the adoption agency in ascertaining the wishes of an adopted person or of a particular relative in relation to contact with the other party.
186. *Subsection (5)* provides a power to make regulations for the payment of fees to the adoption agency by anybody who applies to the agency under *sections 60, 61 or 62* for information. The exception is that the adopted person cannot be charged in respect of any information disclosed to him under this group of sections about any person who but for his adoption would be related to him by blood, including half-blood, or marriage. *Subsection (6)* provides a power to make regulations for the payment of a fee by an adoption agency to the Registrar General for his disclosure of information from the Adoption Contact Register.