
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 2

REQUIREMENTS, PROCEDURE, RECOGNITION AND EFFECT OF ADOPTIONS IN ENGLAND AND WALES WHERE THE UNITED KINGDOM IS THE STATE OF ORIGIN

Requirements to be met before the child is placed for adoption with prospective adopter

47.—(1) The relevant Central Authority may notify the CA of the receiving State that it is prepared to agree that the adoption may proceed provided that CA has confirmed that—

- (a) the prospective adopter has agreed to adopt the child and has received such counselling as may be necessary;
- (b) the prospective adopter has confirmed that he will accompany the child to the receiving State, unless in the case of a couple, the adoption agency and the CA of the receiving State have agreed that it is only necessary for one of them to do so;
- (c) it is content for the adoption to proceed;
- (d) in the case where a Convention adoption is to be effected, it has explained to the prospective adopter the need to make an application under section 84(1) of the Act; and
- (e) the child is or will be authorised to enter and reside permanently in the Convention country if a Convention adoption is effected or a Convention adoption order is made.

(2) The relevant Central Authority may not make an agreement under Article 17(c) of the Convention with the CA of the receiving State unless—

- (a) confirmation has been received in respect of the matters referred to in paragraph (1); and
- (b) the adoption agency has confirmed to the relevant Central Authority that—
 - (i) it has met the prospective adopter and explained the requirement to make an application for an order under section 84 of the Act before the child can be removed from the United Kingdom;
 - (ii) the prospective adopter has visited the child; and
 - (iii) the prospective adopter is content for the adoption to proceed.

(3) An adoption agency may not place a child for adoption unless the agreement under Article 17(c) of the Convention has been made and the relevant Central Authority must advise that agency when that agreement has been made.

(4) In this regulation, the reference to “prospective adopter” means in the case of a couple, both of them.