

## SCHEDULE

Regulation 10

### Amendments to Other Regulations

#### **Adoption Support Services Regulations 2005**

1. In regulation 11(c) of the Adoption Support Services Regulations 2005(1) after the words “income support” insert the words “,employment and support allowance,”.

#### **Adoptions with a Foreign Element Regulations 2005**

2.—(1) The Adoptions with a Foreign Element Regulations 2005 are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “prospective adopter’s case record” for the words “regulation 22(1)” substitute “regulation 23(1)”; and
- (b) in the definition of “prospective adopter’s report” for the words “regulation 25(5)” substitute “regulation 30(2)”.

(3) In regulation 4(2)(b)(iii) (conditions applicable in respect of a child brought into the United Kingdom) for the words “meet with the adoption agency to discuss the” substitute “discuss with the adoption agency the”.

(4) In regulation 13 (requirements applicable in respect of eligibility and suitability)—

(a) for paragraphs (1)(a) and (b) substitute—

- (a) “(1) in the case of an adoption agency in Wales, apply in writing to the adoption agency for a determination of eligibility and an assessment of their suitability to adopt, and give the agency any information it may require for the purposes of the assessment, or
- (b) in the case of an adoption agency in England, notify the agency that they want to adopt a child, and give the agency any information it may require for the purposes of the pre-assessment process set out in Part 4 of the Agencies Regulations.”.

(b) for the beginning of paragraph 2(1) substitute—

“2.—(1) An adoption agency in Wales may not consider an application under paragraph (1)(a), and an adoption agency in England may not proceed with the pre-assessment process referred to in paragraph (1)(b), unless at the date of that application or notification (as the case may be)—”.

(5) In regulation 14(1) (counselling and information) for the words “regulation 21(1)(a)” substitute “regulation 24(1)(a)”.

(6) In regulation 15 (procedure in respect of carrying out an assessment)—

(a) for paragraph (1) and (2) substitute—

“(1) Where the adoption agency is satisfied that that the requirements in regulation 14 have been met the agency must consider the suitability of the prospective adopter in accordance with Part 4 of the Agencies Regulations.”.

(b) in paragraph (5) for the words “regulations 25(5) and 26(2)” substitute “regulations 30(2) and 30A(2)”.

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(7) In regulation 16 (adoption agency decision and notification) for the words “regulation 27” substitute “regulation 30B”.

(8) In regulation 17 (review and termination of approval) for the words “regulation 29” substitute “regulation 30D”.

(9) In regulation 18 (procedure following decision as to suitability to adopt)—

(a) in paragraph (1)(b) for the words “regulation 23” substitute “regulation 25”;

(b) in paragraph (1)(c) for the words “regulation 25(9)” substitute “regulations 30(6) or (7)”; and

(c) in paragraph (2)(a) for the words “regulation 25” substitute “regulation 30”.

(10) In regulation 19(2)(b) (procedure following receipt of the Article 16 information from the CA of the state of origin) for the words “meet with him to discuss” substitute “discuss with the prospective adopter”.

(11) In regulation 20(2) (procedure where proposed adoption is not to proceed) for the words “regulation 29” substitute “regulation 30D”.

### **Restriction on the Preparation of Adoption Reports Regulations 2005**

**3.** In regulation 4(b) of the Restriction on the Preparation of Adoption Reports Regulations 2005(2) for the words “regulation 25(5)” substitute “regulation 30(2)”.

### **Suitability of Adopters Regulations 2005**

**4.—(1)** The Suitability of Adopters Regulations 2005(3) are amended as follows.

(2) In regulation 3 (making reports in respect of the suitability to adopt a child)—

(a) for the words “regulations 25(5)” substitute “regulations 30(2)”;

(b) for the words “and 29(4)” substitute “and 30D(4)”;

(c) in sub-paragraph (a)(i) for the words “regulation 21” substitute “regulation 24(1)”;

(d) in sub-paragraph (b) for the words “regulation 24” substitute “regulation 24(1)(f)”;

(e) in sub-paragraph (c) for the words “regulation 23(1)(a) and (b)” substitute “regulation 25(1)”;

(f) for sub-paragraph (d) substitute—

“(d) any information or reports obtained under regulation 26;” and

(g) omit sub-paragraph (f).

(3) In regulation 4(1) (determining the suitability to adopt a child)—

(a) for the words “regulation 27” substitute “regulation 30B”;

(b) in sub-paragraph (a) for the words “regulation 25(5)” substitute “regulation 30(2)”;

(c) in sub-paragraph (b) for the words “regulation 25(3)(a)” substitute “regulation 26(b)”;

(d) in sub-paragraph (c) for the words “regulation 25(3)(b)” substitute “regulation 26(c)”;

(e) in sub-paragraph (d) for the words “regulation 26(1)” substitute “regulation 30A(1)”;

(f) in sub-paragraph (e) for the words “regulation 26(2)(b)” substitute “regulation 30A(2)(b)”.

(4) In regulation 5 (cases in which a person is unlikely to be suitable to adopt a child)—

(a) for the words “regulation 25(7)” substitute “regulation 30(4)”;

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(2) [S.I. 2005/1711](#).

(3) [S.I. 2005/1712](#).

- (b) for the words “regulation 25(2), (3) or (4)” substitute “regulation 26”.

#### **Local Authority (Adoption) (Miscellaneous Provisions) Regulations 2005**

**5.** In regulation 5 (fees for facilities provided in connection with adoption with a foreign element) of the Local Authority (Adoption) (Miscellaneous Provisions) Regulations 2005<sup>(4)</sup>—

- (1) In sub-paragraph (2)(b) for the words “regulation 27” substitute “regulation 30B”.

(2) In sub-paragraph (4)(a) for the words “regulation 21 of those Regulations (requirement to provide counselling and information)” substitute “regulation 24(1)(a) to (d) of those Regulations (requirement to provide counselling, information and preparation for adoption)”.

#### **Children Act 1989 Representations Procedure (England) Regulations 2006**

**6.** In regulation 4(f) of the Children Act 1989 Representations Procedure (England) Regulations 2006<sup>(5)</sup> after the words “adoption for a child,” insert “Part 4 (duties of adoption agency in respect of a prospective adopter) in so far as those functions relate to a decision under regulation 27 (pre-assessment decision) that a prospective adopter is not suitable to adopt a child,”.

#### **Independent Review of Determinations (Adoption and Fostering) Regulations 2009**

**7.—(1)** The Independent Review of Determinations (Adoption and Fostering) Regulations 2009<sup>(6)</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—

- (a) omit the definition of “adoption panel”;
- (b) omit the definition of “fostering panel”;
- (c) for the definition of “panel” substitute—

““panel”, except in regulation 10(1)(a), has the meaning given in regulation 5(1);”;

- (d) in the definition of “prospective adopter’s report” for the words “regulation 25” substitute “regulation 30”.

(3) In regulation 3 (qualifying determination for the purposes of section 12(2) of the 2002 Act) for the words “regulation 27(4)” substitute “regulation 30B(5)”.

(4) In regulation 5(1) omit the words “in accordance with regulation 6, 7, or 8, as the case may be,”.

- (5) In regulation 10(2)—

- (a) before sub-paragraph (a) insert—

“(za) “adoption panel” means a panel constituted in accordance with regulation 3 of the AAR;”;

- (b) after sub-paragraph (a) insert—

“(b) “fostering panel” means a panel constituted in accordance with regulation 23 of the FSR.”.

(6) In regulation 11 (functions of panel constituted to review an adoption suitability determination)—

- (a) In paragraph 2—

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(4) [S.I. 2005/3390](#).

(5) [S.I. 2006/1738](#).

(6) [S.I. 2009/395](#), amended by [S.I. 2011/589](#).

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- (i) for the words “A panel constituted in accordance with regulation 6” substitute “The panel”; and
- (ii) in paragraph (2)(b)(i) for the words “regulation 25(5)” substitute “regulation 30(2)”;
  - (b) in paragraph (3) for the words “regulation 25” substitute “regulation 30”;
  - (c) in paragraph (4)—
    - (i) for the words “regulation 25(7)” substitute “regulation 30(4)”; and
    - (ii) for the words “regulation 25” substitute “regulation 30”; and
  - (d) in paragraph (5)(a) for the words “regulation 28” substitute “regulation 30C”.
- (7) In regulation 12(2) for the words “A panel constituted in accordance with regulation 7” substitute “The panel”.
- (8) In regulation 13(2) for the words “A panel constituted in accordance with regulation 8” substitute “The panel”.
- (9) In regulation 18(c) omit the words “constituted in accordance with regulation 6, 7 or 8”.