
WELSH STATUTORY INSTRUMENTS

2005 No. 3114

Local Authorities (Prescribed Fees) (Adoptions with a Foreign Element) (Wales) Regulations 2005

Power to charge for facilities provided in connection with adoptions with a foreign element

3.—(1) This regulation applies where facilities⁽¹⁾ are provided by a local authority in Wales in connection with—

- (a) the adoption of a child brought into the United Kingdom for the purpose of adoption, or
- (b) a Convention adoption⁽²⁾, an overseas adoption⁽³⁾ or any other adoption effected under the law of a country or territory outside the British Islands.

(2) Subject to paragraph (5), a local authority may charge a fee to persons referred to in paragraph (3) for providing the facilities referred to in paragraph (4).

(3) The persons to whom a fee may be charged are—

- (a) a prospective adopter; or
- (b) an adopter.

(4) The facilities referred to in paragraph (2) are—

- (a) facilities provided in accordance with Part 4 of the Agencies Regulations to any person falling within regulation 3(3) in connection with the adoption of a child to be brought into the United Kingdom for the purpose of adoption, an overseas adoption or any adoption effected under the law of a country or territory outside the British Islands except:
 - (i) the provision of counselling which is not followed by receipt by a local authority of a written application for an assessment of suitability to adopt a child who is habitually resident outside the British Islands ; and
 - (ii) the provision of information prior to receipt by a local authority of an application for an assessment of suitability to adopt a child who is habitually resident outside the British Islands.
- (b) facilities provided in the discharge of any function imposed on a local authority by or in accordance with the Foreign Element Regulations or by the Act as modified or applied by the Foreign Element Regulations; except:
 - (i) facilities provided in accordance with regulation 5 of the Foreign Element Regulations; and
 - (ii) the provision of counselling which is not followed by receipt by the local authority of a written application for assessment of suitability to adopt a child, in accordance with regulation 14(1) of the Foreign Element Regulations; and
 - (iii) the provision of information prior to receipt by a local authority of a written application for an assessment of suitability to adopt a child, in accordance with regulation 14(1) of the Foreign Element Regulations;

(1) “Facilities” is to be interpreted in accordance with section 3 of the Act.

(2) “Convention adoption” is defined by section 66(1)(c) of the Act.

(3) “Overseas Adoption” is defined by section 87(1) of the Act.

- (iv) the provision of information to the prospective adopter, meeting with the prospective adopter or provision of counselling to the prospective adopter in accordance with regulation 19(2) of the Foreign Element Regulations; and
 - (v) the submission of a report in accordance with regulation 29(2) of the Foreign Element Regulations.
- (c) the submission of a report to a relevant foreign authority when the report is not a requirement for the making of a Convention adoption or overseas adoption under the law of the foreign country in which the child is habitually resident.
- (5) The fee must—
 - (a) be reasonable and not exceed the local authority's costs and expenses properly incurred in providing the facilities; and
 - (b) not include any element in respect of costs and expenses incurred by the local authority in connection with:
 - (i) complaints made about any aspect of the local authority's Adoption Service;
 - (ii) representations submitted to the local authority in accordance with regulation 28 of the Agencies Regulations; or
 - (iii) a review of a qualifying determination within the meaning of section 12 of the Act.
- (6) The local authority, at the reasonable request of the person charged, must provide details of the method by which the fee was calculated.