
WELSH STATUTORY INSTRUMENTS

2001 No. 1272 (W.71)

CHILDREN AND YOUNG PERSONS, WALES

**The Adoption of Children from
Overseas (Wales) Regulations 2001**

Made - - - - 29th March 2001

Coming into force - - 30th April 2001

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred upon the Secretary of State by sections 9(2) and (3) of the Adoption Act 1976 (1) and now exercisable by it in relation to Wales(2) and of all other powers enabling it in that behalf:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Adoption of Children from Overseas (Wales) Regulations 2001 and shall come into force on 30th April 2001.

(2) These Regulations apply to Wales.

Interpretation

2. In these Regulations —

“the 1983 Regulations” (“Rheoliadau 1983”) means the Adoption Agencies Regulations 1983(3);

“the 2001 Regulations” (“Rheoliadau 2001”) means the Adoption of Children from Overseas Regulations 2001(4);

“adoption panel” (“panel mabwysiadu”) has the same meaning as in the 1983 Regulations;

“prospective adopter” (“darpar fabwysiadydd”) means a person habitually resident in the British Islands(5) who at any time brings into the United Kingdom for the purposes of adoption

(1) 1976 c. 36 (“the 1976 Act”). The Adoption Service functions set out in section 1 of the 1976 Act, in relation to which the powers under section 9(2) and (3) of the 1976 Act are exercised, are amended by section 9 of the Adoption (Intercountry Aspects) Act 1999 (c. 18) (“the 1999 Act”). Section 9 of the 1999 Act is brought into force on 30th April 2001 by S.I. 2001/1279.

(2) The functions of the Secretary of State under sections 9(2) and (3) of the 1976 Act were transferred to the National Assembly for Wales by article 2 and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

(3) S.I. 1983/1964, as amended by S.I. 1997/649 and S.I. 1997/2308.

(4) S.I. 2001/1251.

(5) By reference to section 5 of and Schedule 1 to the Interpretation Act 1978 (c. 30), “British Islands” means Wales, England, Scotland, Northern Ireland, the Channel Islands and the Isle of Man.

(other than adoption by a parent, guardian or relative) a child who is habitually resident outside those islands.

Duties of an adoption agency and adoption panel functions in respect of a prospective adopter

3.—(1) This regulation applies to —

- (a) a local authority⁽⁶⁾ to which a prospective adopter has applied for assessment in accordance with regulation 3(2)(a) of the 2001 Regulations; and
- (b) an approved adoption society⁽⁷⁾ which has agreed to assess a prospective adopter who has applied to it in accordance with that regulation.

(2) The adoption agency⁽⁸⁾ shall assess a prospective adopter in accordance with regulations 8 (adoption agency's duties in respect of a prospective adopter)⁽⁹⁾ and 8A (criminal convictions of a prospective adopter⁽¹⁰⁾) of the 1983 Regulations.

(3) An adoption panel to which the case of a prospective adopter is referred shall consider the case and make a recommendation to the referring adoption agency as to whether the prospective adopter is suitable to be an adoptive parent, in accordance with regulation 10 (adoption panel functions) ⁽¹¹⁾ of the 1983 Regulations.

(4) The adoption agency shall —

- (a) make a decision as to the suitability of the prospective adopter to be an adoptive parent and notify the prospective adopter of the decision, in accordance with regulation 11A (adoption agency decisions and notifications - prospective adopters)⁽¹²⁾ of the 1983 Regulations; and
- (b) where the agency has decided to approve the prospective adopter as suitable to be an adoptive parent, notify the National Assembly for Wales in writing of that decision and provide to it —
 - (i) all information considered by the adoption panel before making a recommendation to the agency as to whether the prospective adopter is suitable to be an adoptive parent; and
 - (ii) such other information relating to the prospective adopter's case as it may require.

⁽⁶⁾ See section 72(1) of the 1976 Act for the definition of "local authority" ("awdurdod lleol").

⁽⁷⁾ See section 72(1) of the 1976 Act for the definition of "approved adoption society" ("cymdeithas fabwysiadu a gymeradwywyd").

⁽⁸⁾ By virtue of section 1(4) of the 1976 Act, "adoption agency" ("asiantaeth fabwysiadu") means a local authority or an approved adoption society.

⁽⁹⁾ Regulation 8 was amended by S.I. 1997/2308.

⁽¹⁰⁾ Regulation 8A was inserted by S.I. 1997/2308.

⁽¹¹⁾ Regulation 10 was amended by S.I. 1997/649.

⁽¹²⁾ Regulation 11A was inserted by S.I. 1997/649 and amended by S.I. 1997/2308.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(13).

29th March 2001

Dafydd Elis Thomas
The Presiding Officer of the National Assembly
for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations specify the procedure to be followed by adoption agencies and adoption panels in Wales in relation to the assessment and approval of a person wishing to adopt a child from overseas. The assessment and approval procedures are the same as those set out in the Adoption Agencies Regulations 1983 in relation to a prospective adopter who wishes to adopt a child habitually resident in the British Islands.

The Regulations also require adoption agencies in Wales to provide specified information to the National Assembly for Wales where they decide to approve a prospective adopter of a child from overseas as suitable to be an adoptive parent.