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WELSH STATUTORY INSTRUMENTS

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**2006 No. 3100**

**The Independent Review of Determinations  
(Adoption) (Wales) Regulations 2006**

**PART 3**

**PROCEDURE**

**Amendment of the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005**

**16.**—(1) The Access to Information (Post Commencement Adoptions) (Wales) Regulations 2005 are amended in accordance with the following provisions of this regulation.

(2) In regulation 2, at the appropriate place insert—

““appropriate adoption agency” has the same meaning as in section 65(1) of the Act.

“National Assembly” means the National Assembly for Wales”

(3) After regulation 13 (Record of Views) there is to be inserted the following regulation—

**“Independent Review—**

**13A.**—(1) The following determinations by the appropriate adoption agency in relation to an application under section 61 of the Act are qualifying determinations for the purposes of section 12 of the Act (independent review of determinations)—

- (a) not to proceed with an application from any person for disclosure of protected information;
- (b) to disclose information to an applicant about a person when that person has withheld consent to the disclosure of the information;
- (c) not to disclose information about a person to the applicant where that person has given consent to the disclosure of information.

(2) The adoption agency must give the relevant person written notification of the determination, which must—

- (a) state the reasons for it; and
- (b) advise the relevant person that he or she may apply to the National Assembly within 20 working days, beginning with the date on which the notification was sent, for a review by an independent review panel of the qualifying determination.

(3) If the adoption agency receives notification from the National Assembly that the relevant person has applied for a review by an independent review panel of the qualifying determination, the agency must, within 10 working days of receipt of that notification, send to the National Assembly—

- (a) a copy of the application for disclosure of information;
- (b) a copy of the notification given under paragraph (2);

- (c) the record of any views obtained by the agency under section 61(3) of the Act; and
  - (d) any additional information requested by the panel.
- (4) The adoption agency must not take any action in accordance with its original determination before—
- (a) the independent review panel has made its recommendation; or
  - (b) if the person has not applied for a review within that 20 working day period, the end of that period.
- (5) The adoption agency must have regard to any recommendation of the independent review panel in deciding whether to proceed with its original determination.
- (6) In paragraph (3)—
- (a) the reference to an independent review panel is to a panel constituted for the purposes of section 12 of the Act; and
  - (b) “working day” means any day other than a Saturday or Sunday, Christmas day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.
- (7) In this regulation “the relevant person” is—
- (a) in the case of a qualifying determination mentioned in paragraph (1)(a) or (c), the applicant;
  - (b) in the case of a qualifying determination mentioned in paragraph (1)(b) or (c), the person the protected information is about.”