



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 2

The Adoption Service

*Regulations*

**Independent review of qualifying determinations of adoption agencies**

**12.—(1)** Regulations under section 9 may establish a procedure under which any person in respect of whom a qualifying determination has been made by an adoption agency may apply to the Department for a review of that determination by a panel constituted by the Department.

(2) The regulations must make provision as to the determinations which are qualifying determinations for the purposes of subsection (1).

(3) The regulations may include provision as to—

- (a) the duties and powers of a panel;
- (b) the administration and procedures of a panel;
- (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment);
- (d) the payment of fees to members of a panel;
- (e) the duties of adoption agencies in connection with reviews conducted under the regulations;

(f) the monitoring of any such reviews.

(4) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the Department such sum as the Department may determine.

(5) The Department must secure that, taking one financial year with another, the aggregate of the sums which become payable to the Department under regulations made by virtue of subsection (4) does not exceed the cost to the Department of performing independent review functions.

(6) The Department may make an arrangement with an organisation under which independent review functions are performed by the organisation on behalf of the Department.

(7) If the Department makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any directions given by the Department.

(8) The arrangement may include provision for payments to be made to the organisation by the Department.

(9) Payments made by the Department in accordance with such provision are to be taken into account in determining (for the purpose of subsection (5)) the cost to the Department of performing independent review functions.

(10) In this section—

“independent review function” means a function conferred or imposed on the Department by regulations made under this section;

“organisation” includes a public body and a private or voluntary organisation.