
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption that was concluded at the Hague on 29 May 1993.

Part 2 makes provision in respect of requirements, procedure, recognition and effect of adoption in England and Wales where the United Kingdom is the receiving State. Part 2 applies where a child is habitually resident in another Contracting State and the prospective adopters are habitually resident in the British Islands.

Regulations 3 to 7 make provision regarding the application for determination of eligibility, and the assessment of suitability, eligibility and other requirements such as counselling and police checks.

Regulations 8 to 11 provide for the assessment of suitability of the prospective adopter, the procedure to be followed and the notification of decision. Regulation 12 sets out the procedure following the receipt of the Article 16 Information from the Central Authority of the State of origin.

Regulation 13 imposes duties on the adoption agency in respect of the period before the arrival of the child in England and Wales. Regulations 14 to 20 make provision in respect of the case where a child arrives in the United Kingdom but no Convention adoption has been made. Regulation 21 prescribes the requirements for the purposes of making a Convention adoption order. Regulation 22 makes provision regarding the procedural requirements following a Convention adoption order or Convention adoption. Regulations 23 and 24 respectively make provision in respect of where a court refuses to make a Convention adoption order and the annulment of a Convention adoption order or a Convention adoption.

Part 3 makes provision in respect of requirements and procedure in England and Wales where the United Kingdom is the State of origin. Part 3 applies where a child, habitually resident in England and Wales is to be adopted by prospective adopters who are habitually resident in another Contracting State. Regulation 25 imposes duties on an adoption agency in respect of the assessment of a child. Regulations 26 to 30 set out the functions of an adoption panel, provide for the making, and notification, of decisions, the procedure to be followed once the Article 15 Report is received, duties of the adoption panel and the local authority decision in respect of the placement of the child. Regulation 31 sets out the requirements in respect of the Article 16 information and the procedure to be followed in preparing a report and gathering information. Regulations 32 and 33 respectively prescribe the requirements for the purposes of making a Convention adoption order and the procedural requirements following a Convention adoption order or Convention adoption.

Part 4 makes miscellaneous provisions. Regulations 34 and 35 provide for the application and modification of the Adoption Act 1976 and the Adoption Agencies Regulations 1983 (S.I.1983/1964). Regulation 36 makes it an offence where a person contravenes or fails to comply with regulation 15 (notification to local authority), regulation 18(2) (return of child to local authority), regulation 18(4) (return of child to relevant authority as ordered by the court) or regulation 23 (refusal to return child to relevant authority within prescribed time as ordered by the court). Regulation 37 makes transitional and consequential provisions.

Copies of a regulatory impact assessment in relation to these Regulations may be obtained from Adoption and Permanence Team, Room 101 Wellington House, 133 - 155, Waterloo Road, London, SE1 8UG and at www.doh.gov.uk/adoption.