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STATUTORY INSTRUMENTS

2004 No.1081

SOCIAL CARE, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Independent Review of Determinations (Adoption)
(Amendment) Regulations 2004**

<i>Made</i> - - - -	<i>7th April 2004</i>
<i>Laid before Parliament</i>	<i>7th April 2004</i>
<i>Coming into force</i> - -	<i>30th April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 9(2) and (3) and 9A(1) and (3) of the Adoption Act 1976(a) and all other powers enabling him in that behalf hereby makes the following Regulations—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Independent Review of Determinations (Adoption) (Amendment) Regulations 2004 and shall come into force on 30th April 2004.

(2) These Regulations apply to England only.

Amendment of the Adoption Agencies Regulations 1983

2. In regulation 11A(5A) of the Adoption Agencies Regulations 1983(b) (adoption agency decisions and notifications – prospective adopters) for sub-paragraphs (a) to (d) substitute—

- “(a) all of the documents and information which were passed to the adoption panel in accordance with regulation 8(2)(i);
- (b) any relevant information in relation to the prospective adopter which was obtained by the agency after the date on which the documents and information referred to in sub-paragraph (a) were passed to the adoption panel; and
- (c) the documents referred to in paragraph (4)(a) and (b).”.

(a) 1976 c.36. Section 9(2) of the Adoption Act 1976 (“the Act”) was amended by section 116 of, and paragraph 5(6)(a) of Schedule 4 to, the Care Standards Act 2000 (c.14). Section 9A of the Act was inserted by section 139(2) of, and paragraph 5 of Schedule 4 to, the Adoption and Children Act 2002 (c.38) (“the 2002 Act”). These powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the Act in relation to England as the Secretary of State. Section 9(5) of the Act was inserted by section 139(2) of, and paragraph 4(1)(b) of Schedule 4 to, the 2002 Act.

(b) S.I. 1983/1964. Relevant amending instruments are S.I. 1997/649 and 2004/190.

Amendment of the Independent Review of Determinations (Adoption) Regulations 2004

3. In regulation 12 of the Independent Review of Determinations (Adoption) Regulations 2004(a) (order for payment of costs), for “the adoption panel” substitute “the panel”.

Signed by authority of the Secretary of State for Education and Skills

7th April 2004

Margaret Hodge
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Adoption Act 1976. They apply to England only.

Regulation 11A of the Adoption Agencies Regulations 1983 (“the 1983 Regulations”) is amended by the Independent Review of Determinations (Adoption) Regulations 2004 (“the 2004 Regulations”) to take account of the provision made in the Adoption Act 1976 and the 2004 Regulations for the review of a qualifying determination by an independent panel. Regulation 2 of these Regulations amends regulation 11A(5A) of the 1983 Regulations in relation to the information which an adoption agency is required to send to the Secretary of State.

Regulation 12 of the 2004 Regulations includes provision for a panel constituted under Part 2 of those Regulations to make orders for costs to be paid by an adoption agency. In error, an intended reference to “the panel” in that regulation 12 was to “the adoption panel”. Regulation 3 of these Regulations corrects that defect.

These Regulations do not impose any costs on business.

(a) S.I. 2004/190.

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