
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of minor and consequential amendments to other Regulations as follows.

Regulation 2(1) extends the ambit of the Representations Procedure (Children) Regulations 1991 to ensure that the procedure to be followed by a local authority when considering representations (including complaints) under section 26 of the Children Act 1989 Act covers the authority's provision of adoption support services and special guardianship support services. Regulation 2 applies in relation to England only.

Regulations 3 and 4 substitute reference to the Adoption and Children Act 2002 for obsolete statutory references in the Education (Mandatory Awards) Regulations 2003 and the Education (Student Support) Regulations 2005. Regulations 7 and 9 insert transitional provisions in the Adoption Support Services Regulations 2005 and the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, to enable adoption support agencies to continue to provide services after 30th December 2005 pending registration.

Regulation 5 makes a number of minor amendments to the Adoption Agencies Regulations 2005 ("the Agencies Regulations"). In particular—

- (i) regulation 5(c) inserts a new provision that creates an exception to the general requirement in regulation 3(1) of the Agencies Regulations that an adoption agency must establish an adoption panel;
- (ii) regulation 5(g) and (j)(iii) amends regulations 17(2) and 25(9)(b) of the Agencies Regulations. Regulation 17(2) is amended so that the adoption agency is only required to send the child's health report and information regarding the health of his natural parents to the adoption panel if advised to do so by the agency's medical adviser. Regulation 25(9)(b) is amended so that the adoption agency is only required to send the prospective adopter's health report to the adoption panel if advised to do so by the agency's medical adviser;
- (iii) regulation 5(i) inserts a new regulation 20A in the Agencies Regulations which lists for the purposes of that regulation those authorised to witness the execution outside England and Wales by parents and guardians of forms of consent to placement for adoption and, as the case may be, to the making of a future adoption order. This amendment is consistent with rule 28 of the Family Procedure (Adoption) Rules 2005(1).

Regulation 6 amends the Adoptions with a Foreign Element Regulations 2005 so that regulation 18 is consistent with regulation 30 of the Agencies Regulations; to clarify the nature of the offence under regulation 26 (the failure by a prospective adopter to return a child to the local authority where the prospective adopter is unable to proceed with the adoption); and to add failure to give the notice in accordance with regulation 24 to the list of offences in regulation 59.

Regulation 8 makes minor amendments to the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005.