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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision relating to adoptions with a foreign element under the Adoption (Intercountry Aspects) Act 1999 and the Adoption and Children Act 2002.

Part 2 makes provision in relation to bringing children into and out of the United Kingdom. Chapter 1 applies where a person intends to bring a child into the United Kingdom for the purposes of adoption or under an external adoption order effected within the period of six months of the making of the adoption. Regulations 3 and 4 provide for the procedure and impose conditions and requirements that must be met before a child is brought into the United Kingdom. Regulation 5 imposes functions on the local authority in respect of bringing a child into the United Kingdom and after the child has entered the United Kingdom. Chapter 2 makes provision in respect of a child being taken out of the United Kingdom for the purposes of adoption.

Part 3 provides for adoptions under the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption that was concluded at the Hague on 29 May 1993 (“the Convention”). Chapter 1 sets out the requirements, procedure, recognition and effect of adoptions where a couple or person habitually resident in the British Islands wish to adopt child who is habitually resident in a Convention country outside the British Islands in accordance with the Convention. Chapter 2 sets out the requirements, procedure, recognition and the effect of adoptions in England and Wales where a couple or a person habitually resident in a Convention country outside the British Islands wish to adopt a child who is habitually resident in the British Islands in accordance with the Convention. Chapter 3 makes miscellaneous provisions. Regulations 52 to 58 provide for the modification of the Adoption and Children Act 2002 in respect of adoptions under the Convention. Regulation 59 makes it an offence where a person fails to comply with regulation 26 (requirement to notify relevant local authority), regulation 27 (withdrawal of child by local authority) and regulation 33 (refusal of court to make Convention adoption order).

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department for Education and Skills' website <http://www.dfes.gov.uk/ria/>

**Changes to legislation:**

There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005.