
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 2

BRINGING CHILDREN INTO AND OUT OF THE UNITED KINGDOM

CHAPTER 2

TAKING CHILDREN OUT OF THE UNITED KINGDOM

Requirements applicable in respect of giving parental responsibility prior to adoption abroad

10. The prescribed requirements for the purposes of section 84(3) of the Act (requirements to be satisfied prior to the making of an order) are that—

- (a) in the case of a child placed by an adoption agency, that agency has—
 - (i) confirmed to the court that it has complied with the requirements imposed in accordance with Part 3 of the Agencies Regulations or corresponding Welsh provision;
 - (ii) submitted to the court—
 - (aa) the reports and information referred to in regulation [^{F1}17(2D) and (3), as appropriate] of the Agencies Regulations or corresponding Welsh provision;
 - (bb) the recommendations made by the adoption panel in accordance with regulations 18 (placing child for adoption) [^{F2}, where applicable,] and 33 (proposed placement) of the Agencies Regulations or corresponding Welsh provision;
 - (cc) the adoption placement report prepared in accordance with regulation 31(2)(d) of the Agencies Regulations or corresponding Welsh provision;
 - (dd) the reports of and information obtained in respect of the visits and reviews referred to in regulation 36 of the Agencies Regulations or corresponding Welsh provision; and
 - (ee) the report referred to in section 43 of the Act as modified by regulation 11;
- (b) in the case of a child placed by an adoption agency the relevant foreign authority has—
 - (i) confirmed in writing to that agency that the prospective adopter has been counselled and the legal implications of adoption have been explained to him;
 - (ii) prepared a report on the suitability of the prospective adopter to be an adoptive parent;
 - (iii) determined and confirmed in writing to that agency that he is eligible and suitable to adopt in the country or territory in which the adoption is to be effected; and
 - (iv) confirmed in writing to that agency that the child is or will be authorised to enter and reside permanently in that foreign country or territory; and

Changes to legislation: There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 10. (See end of Document for details)

- (c) in the case of a child placed by an adoption agency the prospective adopter has confirmed in writing to the adoption agency that he will accompany the child on taking him out of the United Kingdom and entering the country or territory where the adoption is to be effected, or in the case of a couple, the agency and relevant foreign authority have confirmed that it is necessary for only one of them to do so.

Textual Amendments

- F1** Words in reg. 10(a)(ii)(aa) substituted (1.9.2012) by [The Adoption Agencies \(Panel and Consequential Amendments\) Regulations 2012 \(S.I. 2012/1410\)](#), regs. 1, **9(a)**
- F2** Words in reg. 10(a)(ii)(bb) inserted (1.9.2012) by [The Adoption Agencies \(Panel and Consequential Amendments\) Regulations 2012 \(S.I. 2012/1410\)](#), regs. 1, **9(b)**
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Commencement Information

- I1** Reg. 10 in force at 30.12.2005, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 10.