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STATUTORY INSTRUMENTS

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**2005 No. 392**

**The Adoptions with a Foreign Element Regulations 2005**

**PART 3**

**ADOPTIONS UNDER THE CONVENTION**

**CHAPTER 1**

**REQUIREMENTS, PROCEDURE, RECOGNITION AND EFFECT OF  
ADOPTIONS WHERE THE UNITED KINGDOM IS THE RECEIVING STATE**

**Procedure following decision as to suitability to adopt**

**18.**—(1) Where an adoption agency has made a decision that the prospective adopter is suitable to adopt a child in accordance with regulation 16, it must send to the relevant Central Authority—

- (a) written confirmation of the decision and any recommendation the agency may make in relation to the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background;
- (b) the enhanced criminal record certificate obtained under [<sup>F1</sup>regulation 25] of the Agencies Regulations or corresponding Welsh provision;
- (c) all the documents and information which were passed to the adoption panel in accordance with [<sup>F2</sup>regulations 30(6) or (7)] of the Agencies Regulations or corresponding Welsh provision;
- (d) the record of the proceedings of the adoption panel, its recommendation and the reasons for its recommendation; and
- (e) any other information relating to the case as the relevant Central Authority or the CA of the State of origin may require.

(2) If the relevant Central Authority is satisfied that the adoption agency has complied with the duties and procedures imposed by the Agencies Regulations or corresponding Welsh provision, and that all the relevant information has been supplied by that agency, the Authority must send to the CA of the State of origin—

- (a) the prospective adopter's report prepared in accordance with [<sup>F3</sup>regulation 30] of the Agencies Regulations or corresponding Welsh provision;
- <sup>F4</sup>(b) .....
- (c) a copy of the adoption agency's decision and the adoption panel's recommendation;
- (d) any other information that the CA of the State of origin may require; <sup>F5</sup>...
- [<sup>F6</sup>(da) if the prospective adopter applied to the appropriate Minister for a review under section 12 of the Adoption and Children Act 2002, the record of the proceedings of the panel, its recommendation and the reasons for its recommendation; and]
- (e) a certificate in the form set out in Schedule 1 confirming that the—

- (i) prospective adopter is eligible to adopt;
- (ii) prospective adopter has been assessed in accordance with this Chapter;
- (iii) prospective adopter has been approved as suitable to adopt a child; and
- (iv) child will be authorised to enter and reside permanently in the United Kingdom if entry clearance, and leave to enter or remain as may be necessary, is granted and not revoked or curtailed and a Convention adoption order or Convention adoption(1) is made.

(3) The relevant Central Authority must notify the adoption agency and the prospective adopter in writing that the certificate and the documents referred to in paragraph (2) have been sent to the CA of the State of origin.

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#### Textual Amendments

- F1** Words in reg. 18(1)(b) substituted (1.7.2013) by [The Adoption Agencies \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/985\), reg. 1, Sch. para. 2\(9\)\(a\)](#)
  - F2** Words in reg. 18(1)(c) substituted (1.7.2013) by [The Adoption Agencies \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/985\), reg. 1, Sch. para. 2\(9\)\(b\)](#)
  - F3** Words in reg. 18(2)(a) substituted (1.7.2013) by [The Adoption Agencies \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/985\), reg. 1, Sch. para. 2\(9\)\(c\)](#)
  - F4** Reg. 18(2)(b) omitted (30.12.2005) by virtue of [The Adoption and Children \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3482\), regs. 1, 6\(a\)\(i\)](#)
  - F5** Word in reg. 18(2)(d) omitted (30.12.2005) by virtue of [The Adoption and Children \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3482\), regs. 1, 6\(a\)\(ii\)](#)
  - F6** Reg. 18(2)(da) inserted (30.12.2005) by [The Adoption and Children \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3482\), regs. 1, 6\(a\)\(iii\)](#)
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#### Commencement Information

- I1** Reg. 18 in force at 30.12.2005, see [reg. 1\(1\)](#)

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(1) The term “Convention adoption order” means an adoption which by virtue of section 1 of the Adoption (Intercountry Aspects) Act 1999 (c. 18) is made as a Convention adoption order (see section 144 of the 2002 Act and regulation 31). The term “Convention adoption” means an adoption effected under the law of a Convention country outside the British Islands, and certified in pursuance of Article 23(1) of the Convention (see section 66(1)(c) of the 2002 Act).

**Changes to legislation:**

There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 18.