
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 2

REQUIREMENTS, PROCEDURE, RECOGNITION AND EFFECT OF ADOPTIONS IN ENGLAND AND WALES WHERE THE UNITED KINGDOM IS THE STATE OF ORIGIN

Requirements in respect of the child's permanence report and information for the adoption panel

38.—(1) The child's permanence report which the adoption agency is required to prepare in accordance with regulation 17 of the Agencies Regulations or corresponding Welsh provision must include—

- (a) a summary of the possibilities for placement of the child within the United Kingdom; and
- (b) an assessment of whether an adoption by a person in a particular receiving State is in the child's best interests.

(2) [^{F1}In a case falling within regulation 17(2C) of the Agencies Regulations or the corresponding Welsh provision,] the adoption agency must send—

- (a) if received, the Article 15 Report; and
- (b) their observations on that Report,

together with the reports and information referred to in regulation [^{F2}17(2D)] of the Agencies Regulations or corresponding Welsh provision to the adoption panel.

[^{F3}(3) In a case falling within regulation 17(2) of the Agencies Regulations or the corresponding Welsh provision, the adoption agency must consider—

- (a) if received, the Article 15 Report; and
- (b) their observations on that Report together with the reports and information referred to in regulation 17(2D) of the Agencies Regulations or the corresponding Welsh provision

in deciding whether the child should be placed for adoption in accordance with the Convention.]

Textual Amendments

- F1** Words in reg. 38(2) inserted (1.9.2012) by [The Adoption Agencies \(Panel and Consequential Amendments\) Regulations 2012 \(S.I. 2012/1410\)](#), regs. 1, **10(a)**
- F2** Word in reg. 38(2) substituted (1.9.2012) by [The Adoption Agencies \(Panel and Consequential Amendments\) Regulations 2012 \(S.I. 2012/1410\)](#), regs. 1, **10(b)**
- F3** Reg. 38(3) inserted (1.9.2012) by [The Adoption Agencies \(Panel and Consequential Amendments\) Regulations 2012 \(S.I. 2012/1410\)](#), regs. 1, **10(c)**

Changes to legislation: There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 38. (See end of Document for details)

Commencement Information

II Reg. 38 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 38.