

2010 No. 465

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption Support Agencies (England) (Amendment)
Regulations 2010**

<i>Made</i> - - - -	<i>25th February 2010</i>
<i>Laid before Parliament</i>	<i>3rd March 2010</i>
<i>Coming into force</i> - -	<i>1st April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 3(4)(b), 8(2)(f) and 140(7) and (8) of the Adoption and Children Act 2002(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Adoption Support Agencies (England) (Amendment) Regulations 2010 and come into force on 1st April 2010.

(2) These Regulations apply in relation to England only.

Amendment of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

2. In regulation 4 (exceptions) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(b), insert after paragraph (3)—

“(4) An undertaking is not an adoption support agency(c) if the undertaking is carried on by an individual who only provides adoption support services (otherwise than in a partnership with others) under a contract for services with either—

- (a) an agency(d) in respect of which a person is registered under Part 2 of the 2000 Act as the person carrying on the agency, or
- (b) an adoption agency(e).”.

(a) 2002 c. 38.

(b) S.I. 2005/2720.

(c) Section 8 of the Adoption and Children Act 2002 (“the 2002 Act”) provides that “adoption support agency” means an undertaking the purpose of which, or one of the purposes of which, is the provision of adoption support services. Section 2(6) provides that “adoption support services” means counselling, advice, and information, and any other services prescribed by legislation.

(d) Agency is defined in regulation 2(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 as an adoption support agency.

(e) Section 2(1) of the 2002 Act provides that a local authority or registered adoption society may be referred to as an adoption agency.

Amendment of the Adoption Support Services Regulations 2005

3. In regulation 5 of the Adoption Support Services Regulations 2005(a) insert after paragraph (1) (b)—

“(bb) an individual falling within regulation 4(4) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.”.

Delyth Morgan

Parliamentary Under Secretary of State

Department for Children, Schools and Families

25th February 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for an exception from the definition of an adoption support agency in section 8 of the Adoption and Children Act 2002 (‘the 2002 Act’).

It is an offence for any person who carries on an adoption support agency to fail to register in respect of such an agency under Part 2 of the Care Standards Act 2000. Regulation 2 of these Regulations amends the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 to provide that an undertaking is not an adoption support agency if that undertaking is carried on by an individual who only provides adoption support services (otherwise than in a partnership with others) under a contract for services with a registered adoption support agency or an adoption agency (i.e. a local authority or a registered adoption society). A person who falls within that exception will not be required to register in respect of the provision of adoption support services.

Section 3(4) of the 2002 Act permits a local authority to make arrangements for others to provide various facilities on behalf of the authority and regulation 3 of these Regulations amends the Adoption Support Services Regulations 2005 to prescribe for the purposes of section 3(4) of the 2002 Act an individual falling within the exception made by virtue of regulation 2.

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(a) S.I. 2005/691.

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