
WELSH STATUTORY INSTRUMENTS

2003 No. 710

**The Local Authority Adoption Service and
Miscellaneous Amendments (Wales) Regulations 2003**

PART 4

MISCELLANEOUS AMENDMENTS

Amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

19. The Registration of Social Care and Independent Health Care (Wales) Regulations 2002⁽¹⁾ are amended as follows —

(a) in regulation 2 (1) at the appropriate place, insert —

““the 1976” Act means the Adoption Act 1976⁽²⁾

“adoption service” means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Act and in relation to a local authority means the discharge by that authority of those functions”;

“voluntary adoption agency” means an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act”;

(b) in the definition of “appropriate office”, after subsection (e) insert —

“(f) in relation to an adoption service —

(i) if an office has been specified under regulation 2(2) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003, that office;

(ii) in any other case, any office of the National Assembly.”;

(c) In the definition of “statement of purpose”, after subsection (e) insert —

“(f) in relation to a voluntary adoption agency, the written statement required to be compiled in accordance with regulation 3(1) of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003;

(g) in relation to an adoption service means the written statement required to be compiled in accordance with regulation 3 (1) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003”.

(1) S.I.2002/919 (W.107).

(2) 1976 c. 36.

Amendments to the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002

20. The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002⁽³⁾ are amended as follows —

- (a) in regulation 2 (1) at the appropriate places, insert —
- ““the 1976 Act” means the Adoption Act 1976⁽⁴⁾”;
- “new agency provider” means a person who carries on a voluntary adoption agency for the first time after 30th April 2003;
- “small agency” means an agency which has a small principal office;”
- “small principal office” means a principal office where at any one time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker⁽⁵⁾;
- “small branch” means a branch of a voluntary adoption agency where at any time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker;
- in the definition of “agency” add to the end the words “, a voluntary adoption agency where the agency’s principal office is in Wales or a local authority adoption service”;
- in the definition of “existing undertaking” add “(e) a voluntary adoption agency that is approved immediately before 30th April 2003 under Part 1 of the 1976 Act”;
- (b) “(3A) In the case of an application for registration in respect of a voluntary adoption agency which has a small principal office the registration fee shall be £300.
- (3B) In a case where any agency has a branch, or as the case may be, a small branch an additional sum of—
- (i) £1,100 in respect of each branch; and
- (ii) £300 in respect of each small branch.
- (3C) Where an application for registration is made by a voluntary adoption agency that is an existing undertaking, no registration fee shall be payable.”
- (c) In regulation 4 (1) —
- (i) after “paragraph (2)” insert “, (2A), (2B)”;
- (ii) after regulation 4(2) insert
- “(2A) In the case of an application mentioned in paragraph (1) in respect of a small agency or a small branch the fee shall be £300.
- (2B) In the case of an application for the establishment of a new branch or small branch the fee shall be
- (i) £1,100 in respect of each proposed new branch; and
- (ii) £300 in respect of each proposed new small branch.”
- (d) In regulation 4(3) after “the establishment” insert “or agency”.
- (e) After regulation 12 (Annual fee — fostering agencies and local authority fostering services) insert —

⁽³⁾ S.I. 2002/921 (W.109).

⁽⁴⁾ 1976 c. 36.

⁽⁵⁾ For the definition of “social worker” see s.55(2)(a) of the 2000 Act.

“Annual fee — voluntary adoption agencies

12.—(1) Subject to paragraph (2) the annual fee in respect of a voluntary adoption agency is —

- (a) £500; and
- (b) in a case where an agency has a branch or as the case may be a small branch, an additional sum of
 - (i) £500 in respect of each branch,; and
 - (ii) £250 in respect of each small branch.

(2) The annual fee in respect of a voluntary adoption agency which is a small agency is £250.

(3) The annual fee in respect of a voluntary adoption agency shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (4) (“the first date”), and thereafter on the anniversary of the first date.

(4) The specified date is —

- (a) in the case of an existing undertaking, on 30 April 2003, or on the date on which a certificate of registration is issued, whichever is the later;
- (b) in the case of a new agency provider, the date on which a certificate of registration is issued.

Annual fee — local authorities

13.—(1) The annual fee in respect of a local authority adoption service shall be £500.

(2) The annual fee shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (3) (“the first date”), and thereafter on the anniversary of the first date.

(3) The specified date is —

- (a) in the case of a local authority that is discharging relevant adoption functions on the date that these Regulations come into force on 30th April 2003; and
- (b) in all other cases on the date on which such functions are first discharged.”

Amendments to Adoption Agencies Regulations 1983

21. Regulation 8A of the Adoption Agencies Regulations 1983⁽⁶⁾ is amended as follows—

- (a) in paragraphs (1) and (2), for the words “over the age of 18” substitute “aged 18 or over”;
- (b) in sub-paragraph (2)(a) after the words “specified offence” insert the words “committed at the age of 18 or over”.

⁽⁶⁾ S.I.1983/1964 as amended by S.I.1997/649, S.I. 1997/2308 and S.I.2001/3443 (W.278).