
WELSH STATUTORY INSTRUMENTS

2005 No. 1512

The Adoption Support Services (Local Authorities) (Wales) Regulations 2005

Interpretation

2.—(1) In these Regulations —

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002;

“the Adoption Agencies (Wales) Regulations” (“*Rheoliadau Asiantaethau Mabwysiadu (Cymru)*”) means the Adoption Agencies (Wales) Regulations 2005(1);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) is to be construed in accordance with regulation 3(1);

“adoptive child” (“*plentyn mabwysiadol*”) means, subject to paragraph (3), a child who is an agency adoptive child or a non-agency adoptive child;

“adoptive family” (“*teulu mabwysiadol*”) means an adoptive child, the adoptive parent of the adoptive child, and any child of the adoptive parent, and references to the adoptive family of or in relation to a person, are to be construed as the adoptive family of which that person is a member;

“adoptive parent” (“*rhiant mabwysiadol*”) means a person —

- (a) who an adoption agency has decided in accordance with regulation 34 of the Adoption Agencies (Wales) Regulations would be a suitable adoptive parent for a particular child;
- (b) with whom an adoption agency has placed a child for adoption;
- (c) who has given notice under section 44 of the 2002 Act of intention to apply for an adoption order for a child; or
- (d) who has adopted a child,

but does not include a person where the child referred to has ceased to be a child, or where the person is the step-parent or natural parent of the child, or was the step-parent of the child before adopting the child;

“agency adoptive child” (“*plentyn mabwysiadol drwy asiantaeth*”) means a child —

- (a) in respect of whom an adoption agency has decided in accordance with regulation 34 of the Adoption Agencies (Wales) Regulations that a person would be a suitable adoptive parent for the child;
- (b) whom an adoption agency has placed for adoption; or
- (c) who has been adopted after having been placed for adoption by an adoption agency;

“child” (“*plentyn*”) means, subject to paragraph (3), a person who has not attained the age of 18 years;

“child of an adoptive parent” (“*plentyn rhiant mabwysiadol*”), in any case where the provision of adoption support services, or any assessment in respect of adoption support services, is in

relation to the adoption or prospective adoption of an adoptive child by an adoptive parent, means a child, other than that adoptive child, of the adoptive parent;

“child tax credit” (“*credyd treth plant*”) has the same meaning as in the Tax Credits Act 2002(2);

“foster parent” (“*rhiant maeth*”) has the same meaning as in the Fostering Services (Wales) Regulations 2003(3);

“income support” (“*cymhorthdal incwm*”) means income support under Part VII of the Social Security Contributions and Benefits Act 1992(4);

“jobseeker’s allowance” (“*lwfans ceisio gwaith*”) has the same meaning as in the Jobseekers Act 1995(5);

“local education authority” (“*awdurdod addysg lleol*”) has the same meaning as in the Education Act 1996(6);

“non-agency adoptive child” (“*plentyn mabwysiadol heb fod drwy asiantaeth*”) means a child —

- (a) in respect of whom a person —
 - (i) has given notice under section 44 of the 2002 Act of intention to apply for an adoption order; and
 - (ii) is not the natural parent or step-parent of the child; or
- (b) who has been adopted by a person who —
 - (i) is not the natural parent of the child; and
 - (ii) was not the step-parent of the child before adopting the child, but does not include an agency adoptive child;

“notify” (“*hysbysu*”) means notify in writing;

“person entitled to be assessed” (“*person sydd â'r hawl i gael ei asesu*”) means a person specified in section 4(1)(a) of the 2002 Act or in regulation 5(1);

“plan” (“*cynllun*”) is to be construed in accordance with regulation 10;

“related person” (“*person perthynol*”) means —

- (a) a relative within the meaning of section 144(1) of the 2002 Act; or
- (b) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub-paragraphs (i) to (iii) of section 1(4)(f) of the 2002 Act.

(2) In these Regulations —

- (a) any reference to a child who is looked after by a local authority has the same meaning as it has in the Children Act 1989(7);
- (b) any reference to a person’s adoptive child is to a child who is an adoptive child in relation to that person;
- (c) any reference to a child’s adoptive parent is to a person who is an adoptive parent in relation to that child;

(2) 2002 c. 21. See section 8 for the definition of child tax credit.

(3) S.I. 2003/237 (W.35).

(4) 1992 c. 4.

(5) 1995 c. 18.

(6) 1996 c. 56.

(7) 1989 c. 41. See section 22(1) for the definition of a child who is looked after by a local authority.

- (d) references (other than references in this sub-paragraph) to a child being placed, or being placed for adoption —
 - (i) are to the child being placed for adoption with a prospective adopter by an adoption agency;
 - (ii) include, where a looked after child is living with a person, leaving the child with that person as a prospective adopter.
 - (3) In any case where —
 - (a) a person has attained the age of 18 years and is in full-time education or training; and
 - (b) immediately before attaining the age of 18 years —
 - (i) that person was an adoptive child; and
 - (ii) financial support was payable in relation to that person,
- the definitions of “adoptive child” and “child”, for the purposes of the continued provision of financial support and any review of financial support, are to have effect as if that person had not attained the age of 18 years.