
WELSH STATUTORY INSTRUMENTS

2005 No. 2701

The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005

PART 4

PROCEDURE FOR APPLICATIONS

Procedure on receipt of application

11. The intermediary agency must, on receipt of an application under these Regulations, take reasonable steps to confirm—

- (a) the identity and age of the applicant and the identity of any person acting on the applicant's behalf;
- (b) that any person acting on behalf of the applicant is authorised to do so; and
- (c) in the case of an application by a relative of the adopted person, that the applicant is related to that person.

Contacting the appropriate adoption agency

12.—(1) The intermediary agency must (unless it is the appropriate adoption agency) take all reasonable steps to establish whether an adoption agency was involved in the adoption and, if so, to identify the appropriate adoption agency.

(2) The steps referred to in paragraph (1) include—

- (a) requesting that information in writing from the Registrar General;
- (b) if the Registrar General certifies that he or she does not have that information, requesting it in writing from the court that made the adoption order; and
- (c) making enquiries of the local authority for the area where the adoption took place.

(3) Where the appropriate adoption agency has been identified, the intermediary agency must contact that agency in order to ascertain whether a veto under regulation 8 exists.

(4) If no veto under regulation 8 exists the intermediary agency must —

- (a) ascertain whether the subject has, at any time, expressed views about future contact with a relative or about being approached about such contact;
- (b) ascertain the agency's views as to whether the application is appropriate (having regard to the factors mentioned in regulation 6); and
- (c) seek any other information required for the purposes of—
 - (i) tracing the subject;
 - (ii) enabling the subject to make an informed decision about consent to the disclosure of identifying information about him or her, or to contact with the applicant;
 - (iii) counselling the subject in relation to that decision; or

(iv) counselling the applicant.

(5) Unless a veto referred to in regulation 8 applies, the appropriate adoption agency must take all reasonable steps to comply with a request from an intermediary agency under paragraph (3) and may disclose to the intermediary agency such information (including identifying information) as is necessary for that purpose.

Obtaining information from Registrar General

13.—(1) If, in any of the cases mentioned in paragraph (2), the intermediary agency has not obtained from the appropriate adoption agency sufficient information for the purposes mentioned in regulation 12(4)(c), the intermediary agency may request from the Registrar General such of the following information as may assist it for those purposes—

- (a) information that he or she may hold that would enable an application to be made for a certificate from the Adopted Children Register;
- (b) information from the Adoption Contact Register.

(2) The cases mentioned in paragraph (1) are—

- (a) where the intermediary agency is unable to identify the appropriate adoption agency or ascertains that no adoption agency was involved in the adoption;
- (b) where the intermediary agency contacts the appropriate adoption agency and ascertains that it does not hold the necessary information.

(3) Where the intermediary agency is the appropriate adoption agency and does not hold sufficient information for the purposes mentioned in regulation 12(4)(c) it may request from the Registrar General such of the information mentioned in paragraph (1)(a) and (b) as may assist it for those purposes.

Registrar General to comply with request

14.—(1) The Registrar General must take reasonable steps to comply with a written request for information from an intermediary agency under regulation 12 or 13.

(2) If the Registrar General does not have the information about the appropriate adoption agency requested under regulation 13 he or she must provide the intermediary agency with written verification of that fact together with details of the court that arranged the adoption.

Court to comply with request

15.—(1) The court must disclose any information requested by the intermediary agency under regulation 12(2)(b) that is contained in court records.

(2) If the court does not have the information requested under regulation 12(2)(b) it must inform the intermediary agency of that fact in writing, specifying the searches made of court records and, if the court considers that the information may be found in the records of another court, provide the intermediary agency with the details of that court.

Authorised disclosures

16. An intermediary agency may disclose such information (including information that identifies any person) as is necessary—

- (a) to the Registrar General or to the court for the purpose of obtaining information under regulation 12 or 13;

- (b) to the appropriate adoption agency for the purposes of ascertaining its views or seeking information under regulation 12;
- (c) to the subject to enable him or her to make an informed decision under regulation 7; and
- (d) to a person providing counselling in connection with an application under these Regulations.