
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable local authorities to charge for facilities provided in circumstances in which charging would otherwise be prohibited under section 95 of the Adoption and Children Act 2002. The Regulations apply in relation to Wales and come into force on 30 December 2005.

Regulation 3 concerns facilities provided by local authorities in relation to the adoption of children habitually resident outside the British Islands, in accordance with the Adoption Agencies (Wales) Regulations 2005 and the Adoptions with a Foreign Element Regulations 2005. A local authority may charge a fee for providing such facilities to a person who wishes to adopt such a child or to a person who has adopted such a child. The fee must be reasonable and limited to the local authority's costs and expenses incurred in providing the facilities. It must not include any element relating to any review of its qualifying determination regarding the suitability of a prospective adopter to adopt a child.