
WELSH STATUTORY INSTRUMENTS

2006 No. 3100

**The Independent Review of Determinations
(Adoption) (Wales) Regulations 2006**

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Independent Review of Determinations (Adoption) (Wales) Regulations 2006.

(2) They come into force on 31 December 2006.

(3) These Regulations apply to Wales.

Interpretation

2. In these Regulations—

“the Act” means the Adoption and Children Act 2002;

“the Agencies Regulations” means the Adoption Agencies (Wales) Regulations 2005(1);

“adoption panel” means a panel constituted in accordance with regulation 3 of the Agencies Regulations;

“applicant” means—

(a) in the case of a suitability determination, a prospective adopter;

(b) in the case of a disclosure determination, a relevant person within the meaning of regulation 13A(7) of the Disclosure Regulations;

“the central list” is to be construed in accordance with regulation 4;

“disclosure determination” means a qualifying determination described in regulation 13A(1) of the Disclosure Regulations(2);

“the Disclosure Regulations” means the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(3);

“the Independent Review Regulations 2005” means the Independent Review of Determinations (Adoption) (Wales) Regulations 2006(4);

“the National Assembly” means the National Assembly for Wales;

(1) [S.I. 2005/1313](#).

(2) Regulation 13A (1) of the Disclosure Regulations specifies the following determinations by the appropriate adoption agency in relation to an application under section 61 of the Act (a) not to proceed with an application from any person for the disclosure of protected information; (b) to disclose information to an applicant when that person has withheld consent to the disclosure of the information; and (c) not to disclose information about a person to the applicant where that person has given consent to the disclosure of information.

(3) [S.I. 2005/2689](#).

(4) [2005/1891 \(W.147\)](#).

“panel” means a panel constituted in accordance with regulation 4(1);

“qualifying determination” means a determination described in regulation 3;

“review meeting” means a meeting convened in accordance with regulation 13 for the purposes of reviewing a qualifying determination;

“social worker” means a person who is registered as a social worker in a register maintained by the General Social Care Council or the Care Council for Wales under section 56 of the Care Standards Act 2000⁽⁵⁾ or in a corresponding register maintained under the law of Scotland or Northern Ireland; and

“suitability determination” means a qualifying determination described in regulation 3(a).

Qualifying determination for the purposes of section 12(2) of the Act

3. For the purposes of section 12(2) of the Act, a qualifying determination is—
 - (a) a determination that has been made by an adoption agency in accordance with the 2005 Regulations as follows:
 - (i) Where under regulation 28(4) of the Agency Regulations the agency do not propose to approve a prospective adopter as suitable to be an adoptive parent.
 - (ii) Where the agency consider that a prospective adopter is no longer suitable to be an adoptive parent following a review under regulation 30 of the Agency Regulations.
 - (b) A determination described in regulation 13A(1) of the Disclosure Regulations⁽⁶⁾

⁽⁵⁾ Care Standards Act 2000 Ch 14

⁽⁶⁾ See regulation 16 of these Regulations.