

SCHEDULE 1

Regulation 16

Consequential Amendments to Other Regulations

Adoptions with a Foreign Element Regulations 2005

- 1.—(1) The Adoptions with a Foreign Element Regulations 2005⁽¹⁾ are amended as follows.
- (2) In regulation 13 (requirements applicable in respect of eligibility and suitability)—
- (a) for paragraph (1) substitute—
- “(1) A couple or a person who wishes to adopt a child habitually resident in a Convention country outside the British Islands must notify the agency that they want to adopt a child, and give the agency any information it may require for the purposes of the pre-assessment process set out in Part 4 of the Agencies Regulations or corresponding Welsh provision.”;
- (b) in paragraph (2)—
- (i) in the words before sub-paragraph (a), for the words from “in Wales” to “(as the case may be)” substitute—
- “may not proceed with the pre-assessment process referred to in paragraph (1), unless at the date of that notification—”, and
- (ii) in sub-paragraphs (a) and (b), for “an application”, in each place where it occurs, substitute “a notification” and for “date of application”, in each place where it occurs, substitute “date of notification”.
- (3) In regulation 15 (procedure in respect of carrying out an assessment), in paragraph (1), after “Part 4 of the Agencies Regulations” insert “or corresponding Welsh provision”.

Local Authorities (Prescribed Fees) (Adoptions with a Foreign Element) (Wales) Regulations 2005

2. In regulation 3 (power to charge for facilities provided in connection with adoptions with a foreign element) of the Local Authorities (Prescribed Fees) (Adoptions with a Foreign Element) (Wales) Regulations 2005⁽²⁾, in paragraph (5)(b)(ii), for “regulation 28” substitute “regulation 30B”.

Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010

- 3.—(1) The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010⁽³⁾ are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “prospective adopter’s report”, for “regulation 26” substitute “regulation 30”.
- (3) In regulation 3(a) (qualifying determination – prescribed description for the purposes of section 12(2) of the 2002 Act)—
- (a) in sub-paragraph (i), for “regulation 28(4)” substitute “regulation 30B(5)”, and
- (b) in sub-paragraph (ii), for “regulation 30” substitute “regulation 30D(2)”.
- (4) In regulation 12 (functions of panel constituted to review an adoption suitability determination)—

⁽¹⁾ S.I. 2005/392, amended by S.I. 2013/985. There are other amendments not relevant to these Regulations.

⁽²⁾ S.I. 2005/3114 (W. 234).

⁽³⁾ S.I. 2010/746 (W. 75), amended by S.I. 2012/1479, S.I. 2016/211 (W. 84), S.I. 2017/52 (W. 23) and S.I. 2019/237 (W. 56).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in paragraph (2)(b)(i), for “regulation 26(4) and, where applicable, regulation 26(5)” substitute “regulation 30(2) and, where applicable, regulation 30(3)”,
- (b) in paragraph (3), for “regulation 26(4) and, where applicable, regulation 26(5)” substitute “regulation 30(2) and, where applicable, regulation 30(3)”,
- (c) in paragraph (4), for “regulation 26(4) and, where applicable, regulation 26(5) of the Agencies Regulations, did not include all of the information required by regulation 26(4) or, where applicable, regulation 26(5)” substitute “regulation 30(4) of the Agencies Regulations, did not include all of the information required by regulation 30(2) and, where applicable, regulation 30(3)”, and
- (d) in paragraph (5)(a), for “regulation 29” substitute “regulation 30C”.

The Representations Procedure (Wales) Regulations 2014

4. In regulation 9 (specified functions under the 2002 Act) of the Representations Procedure (Wales) Regulations 2014⁽⁴⁾, after paragraph (1)(f)(i) insert—

- “(ia) Part 4 (duties of adoption agency in respect of a prospective adopter) in so far as those functions relate to a decision under regulation 27 (pre-assessment decision) that a prospective adopter is not suitable to adopt a child;”.

(4) S.I. 2014/1795 (W. 188), amended by S.I. 2016/211 (W. 84). There are other amendments not relevant to these Regulations.