

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).

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- (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;”.

SCHEDULE 2

Regulation 17

Miscellaneous Amendments to the Principal Regulations

Amendments to the Principal Regulations

1. The Welsh language text of the Principal Regulations is amended as follows.
2. In regulation 2 (interpretation), after the definition of “Deddf 1989” insert—

“ystyr “Deddf 2008” (*“the 2008 Act”*) yw Deddf Ffrwythlondeb ac Embryoleg Dynol 2008(5);”.
3. In regulation 14 (requirement to provide counselling etc.)—
 - (a) for paragraph (2) substitute—

“(2) Mae’r paragraff hwn yn gymwys pan nad oes gan dad y plentyn neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008 gyfrifoldeb rhiant am y plentyn ac mae’r asiantaeth fabwysiadu yn gwybod pwy yw’r person hwnnw.”, and
 - (b) in paragraph (3)—
 - (i) after “tad”, in each place it occurs, insert “neu’r fenyw sy’n rhiant yn rhinwedd adran 43 o Ddeddf 2008”,
 - (ii) in sub-paragraph (b)(i), for “adran 4” substitute “adran 4 neu 4ZA”, and
 - (iii) in sub-paragraph (b)(ii)—
 - (aa) for “preswyllo neu orchymyn cyswllt” substitute “trefniadau plentyn”, and
 - (bb) for “preswyliaid, cyswllt” substitute “gorchmynion trefniadau plentyn”.
4. In regulation 17(1)(ch), (d) and (e) (requirement to prepare written report), after “tad y plentyn” and “ei dad” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008”.

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

(5) 2008 c. 22.

5. In regulation 19(3) (adoption agency decision and notification)—
 - (a) for sub-paragraph (b) substitute—
 - “(b) unrhyw berthynas neu berson arwyddocaol arall yr ymgynghorodd yr asiantaeth ag ef o dan reoliad 14(1) gan gynnwys—
 - (i) unrhyw berson a enwir mewn gorchymyn trefniadau plentyn o dan adran 8 o Ddeddf 1989, fel person y mae’r plentyn i dreulio amser gydag ef neu i gael cyswllt ag ef fel arall, neu
 - (ii) unrhyw berson y mae gorchymyn o dan adran 34 o Ddeddf 1989 (cyswllt rhiant â phlant mewn gofal) wedi ei wneud o’i blaid, pan fo’r gorchymyn hwnnw mewn grym yn union cyn yr awdurdodir yr asiantaeth i leoli’r plentyn ar gyfer ei fabwysiadu;”;
 - (b) in sub-paragraph (c), after “tad y plentyn” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008”.
6. In regulation 34(4)(b) (adoption agency’s decision in relation to the proposed placement), after “tad y plentyn,” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008,”.
7. In regulation 39(2)(b) (withdrawal of consent), after “tad y plentyn” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008”.
8. In paragraphs 13(a)(i) and 14 of Part 1 of Schedule 1 (information about the child), after “ei dad” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008”.
9. In Part 3 of Schedule 1 (information about the child’s family and others)—
 - (a) in the heading before paragraph 1, after “am y plentyn” insert “neu fenyw sy’n rhiant yn rhinwedd adran 43 o Ddeddf 2008 nad oes ganddi gyfrifoldeb rhiant am y plentyn”,
 - (b) for paragraph 16 substitute—

“16. Os nad yw rhieni’r plentyn yn briod neu’n bartïon mewn partneriaeth sifil, a oes gan y tad neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008 gyfrifoldeb rhiant am y plentyn ac os felly, sut y cafwyd ef.”,
 - (c) for paragraph 17 substitute—

“17. Os na wyddys pwy yw tad y plentyn neu ble y mae, neu pwy yw’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 42 neu 43 o Ddeddf 2008 neu ble y mae, yr wybodaeth amdano neu amdani sy’n hysbys a phwy a’i rhoes, a’r camau a gymerwyd i ddarganfod pwy yw’r rhiant.”,
 - (d) in the heading before paragraph 24, after “tad” insert “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 43 o Ddeddf 2008”, and
 - (e) in paragraph 27, after “thad y plentyn” insert mewnoder “neu’r fenyw sy’n rhiant i’r plentyn yn rhinwedd adran 42 neu 43 o Ddeddf 2008”.