WELSH STATUTORY INSTRUMENTS

2012 No. 1905 (W.232)

CHILDREN AND YOUNG PERSONS, WALES

The Adoption Agencies (Wales) (Amendment) Regulations 2012

Made - - - -	*18 July 2012*
Laid before the National Assembly for Wales - -	*19 July 2012*
Coming into force - -	*1 September 2012*

The Welsh Ministers in exercise of powers conferred by sections 9(1)(a), 140(7) and (8), 142(4) and (5) of the Adoption and Children Act 2002(**1**)(**2**) make the following regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Adoption Agencies (Wales) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 September 2012.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the Principal Regulations" ("*y Prif Reoliadau*") means the Adoption Agencies (Wales) Regulations 2005(**3**).

Amendment of the Principal Regulations

2. The Principal Regulations are amended as follows.

3. In regulation 2 in the appropriate place insert—

""care order" ("*gorchymyn gofal*") has the meaning given in section 105(1) of the 1989 Act(**4**);".

4. In regulation 7 —

(a) before "The adoption agency must", insert "(1)";

(**1**) 2002 c. 38. For the definition of "regulations" *see* section 144(1).
(**2**) The power conferred on the National Assembly for Wales to make regulations under the Adoption and Children Act 2002 was transferred to the Welsh Ministers under section 162(1) and paragraph 30 of Schedule 11 of the Government of Wales Act 2006.
(**3**) S.I. 2005 / 1313 (W.167).
(**4**) 1989 c. 41.

(b) after "in relation to adoption" insert "to ensure that the panel is organised effectively and operates efficiently.";

(c) omit "and such instructions must be kept under review and, where appropriate, revised by the agency."; and

(d) insert as a new sub-paragraph "(2) The adoption agency must keep the instructions in regulation 7(1) under review and revise them where appropriate.".

5. Insert following regulation 8—

"**8A.** The adoption agency must ensure that adoption panels are properly advised by an appropriately qualified person in relation to adoptions with a foreign element if such a case is being considered.".

6. In regulation 17—

(a) in the heading, omit "for the adoption panel",

(b) for paragraph (2) substitute—

"(2) In a case where—

(a) the adoption agency is a local authority and is considering whether the child ought to be placed for adoption, and

(b) either paragraph (2A) or (2B) applies,

the adoption agency may not refer the case to the adoption panel.

(2A) This paragraph applies when—

(a) the child is placed for adoption by the adoption agency or is being provided with accommodation by the local authority;

(b) no adoption agency is authorised to place the child for adoption, and

(c) the child has no parent or guardian, or the agency consider that the conditions in section 31(2) of the 1989 Act are met in relation to the child.

(2B) This paragraph applies where—

(a) an application has been made, and has not been disposed of, on which a care order might be made in respect of the child, or

(b) the child is subject to a care order and the adoption agency are not authorised to place the child for adoption.

(2C) In a case not falling within paragraph (2), the adoption agency must send the information and reports referred to in (2D) to the adoption panel.

(2D) For the purposes of paragraph (2C) and regulation 19(1)(A) the information and reports are—

(i) the written report referred to in regulation 17(1),

(ii) the written report on the state of the child's health referred to in regulation 15(2)(b), unless the adoption agency has received advice from the medical adviser that such a report is unnecessary, and

(iii) the information relating to the health of the child's natural parents.".

7. In regulation 19 —

(a) in paragraph (1) at the start insert "In any case falling within regulation 17(2C)", and

(b) after paragraph (1) insert —

"(1A) In any case falling within regulation 17(2) the adoption agency must take into account the information and reports referred to in regulation 17(2D), and any other