STATUTORY INSTRUMENTS

# 2015 No. 1685

# SOCIAL CARE, ENGLAND
# CHILDREN AND YOUNG PERSONS, ENGLAND

## The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Amendment) Regulations 2015

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| *Made - - - -* | *11th September 2015* |
| *Laid before Parliament* | *15th September 2015* |
| *Coming into force - -* | *10th November 2015* |

The Secretary of State for Education makes these Regulations in exercise of the powers conferred by sections 9(1), 98(1), (1A) and (3), 140(7) and (8) and 144(2) of the Adoption and Children Act 2002(**1**).

In accordance with section 98(6)(**2**) of that Act, these Regulations are made with the approval of the Home Department.

**Citation and commencement**

**1.** These Regulations may be cited as the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Amendment) Regulations 2015 and come into force on 10th November 2015.

**Amendments to the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005**

**2.** The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005(**3**) are amended in accordance with regulations 3 to 9.

**3.** In regulation 2 (interpretation) after the definition of "the appropriate adoption agency" insert —

(**1**) 2002 c.38. For the definition of "regulations" see section 144(1). Section 98(1A) was inserted by section 1 of the Children and Families Act 2014 (c.6) ("the 2014 Act") and section 140(7) was amended by section 7(6) of the 2014 Act.

(**2**) The approval of the Secretary of State for the Home Department is required in relation to regulations which relate to the Registrar General by virtue of section 98(6) of the Adoption and Children Act 2002 (see also S.I. 2008/678).

(**3**) S.I. 2005/890 amended by S.I. 2005/2720, 2005/3482 and 2014/2696.

""corresponding Welsh provision" means in relation to a Part or a regulation of these Regulations, regulations made by the Welsh Ministers under section 9 of the Act which corresponds to that Part or regulation;".

**4.** In regulation 8(1) (veto by an adopted person) after "under regulation 5" insert "or under corresponding Welsh provision".

**5.** In regulation 12 (contacting the appropriate adoption agency)—

(a) for paragraph (2) substitute—

"(2) The steps referred to in paragraph (1) may include—

(a) requesting in writing from the Registrar General any information under regulation 13 that may be relevant for that purpose;

(b) requesting in writing from the court that made the adoption order information about the identity of the appropriate adoption agency;

(c) making enquiries of the local authority for the area where the adoption took place.";

(b) in paragraph (3) after "the intermediary agency must" insert "take all reasonable steps to";

(c) in paragraph (4) after "from it under paragraph (3)" insert "or under corresponding Welsh provision";

(d) after paragraph (4) insert—

"(5) "Intermediary agency" for the purposes of paragraph (4) includes an intermediary agency as defined under corresponding Welsh provision.".

**6.** For regulation 13 (obtaining information from the Registrar General) substitute—

"**13.**—(1) An intermediary agency may make a request in writing to the Registrar General for such of the following information as may assist it for the purposes of proceeding with an application under these Regulations—

(a) the identity of the appropriate adoption agency;

(b) details of the court that made the adoption order;

(c) information the Registrar General may hold that would enable an application to be made for a certified copy of an entry in the Adopted Children Register;

(d) information from the Adoption Contact Register.

(2) If an intermediary agency is proceeding with an application under regulation 5(1)(c), it may also make a request in writing to the Registrar General for such information as the Registrar General may hold that would enable the adopted person with whom the applicant has a prescribed relationship to obtain a certified copy of the adopted person's record of birth.".

**7.** In regulation 14 (Registrar General to comply with a request)—

(a) in paragraph (1) omit "12 or";

(b) omit paragraph (2).

**8.** In regulation 16(a) (authorised disclosures) omit "12 or".

**9.** In regulation 18 (fees) for paragraph (3) substitute—

"(3) The Registrar General may charge an intermediary agency the following fees in connection with requests for information under regulation 13—

(a) £36 for processing an initial request for information (whether or not information is provided);