WELSH STATUTORY INSTRUMENTS

2005 No. 3114 (W.234)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

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

Made - - - -	*8 November 2005*
Coming into force - -	*30 December 2005*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9, 11(2) and (3), 140(7) and (8) and 144(2) of the Adoption and Children Act 2002(**1**) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Prescribed Fees) (Adoptions with a Foreign Element) (Wales) Regulations 2005 and are to come into force on 30 December 2005.

(2) These Regulations apply only in relation to Wales.

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Adoption and Children Act 2002;

"the Agencies Regulations" ("*Rheoliadau'r Asiantaethau*") means the Adoption Agencies (Wales) Regulations 2005(**2**);

"the Foreign Element Regulations" ("*y Rheoliadau Elfen Dramor*") means the Adoptions with a Foreign Element Regulations 2005(**3**); and

"relevant foreign authority" ("*awdurdod tramor perthnasol*") means a person, outside the British Islands, performing functions in the country in which the child is, or in which the prospective adopter is, habitually resident, which correspond to the functions of an adoption agency as defined by s2(1) of the Act or to the functions of the Secretary of State in respect of adoptions with a foreign element.

(**1**) 2002 c. 38.
(**2**) S.I.2005/1313 (W.95).
(**3**) S.I. 2005/392.

Power to charge for facilities provided in connection with adoptions with a foreign element

3.—(1) This regulation applies where facilities(**4**) are provided by a local authority in Wales in connection with—

(a) the adoption of a child brought into the United Kingdom for the purpose of adoption, or

(b) a Convention adoption(**5**), an overseas adoption(**6**) or any other adoption effected under the law of a country or territory outside the British Islands.

(2) Subject to paragraph (5), a local authority may charge a fee to persons referred to in paragraph (3) for providing the facilities referred to in paragraph (4).

(3) The persons to whom a fee may be charged are—

(a) a prospective adopter; or

(b) an adopter.

(4) The facilities referred to in paragraph (2) are—

(a) facilities provided in accordance with Part 4 of the Agencies Regulations to any person falling within regulation 3(3) in connection with the adoption of a child to be brought into the United Kingdom for the purpose of adoption, an overseas adoption or any adoption effected under the law of a country or territory outside the British Islands except:

(i) the provision of counselling which is not followed by receipt by a local authority of a written application for an assessment of suitability to adopt a child who is habitually resident outside the British Islands ; and

(ii) the provision of information prior to receipt by a local authority of an application for an assessment of suitability to adopt a child who is habitually resident outside the British Islands.

(b) facilities provided in the discharge of any function imposed on a local authority by or in accordance with the Foreign Element Regulations or by the Act as modified or applied by the Foreign Element Regulations; except:

(i) facilities provided in accordance with regulation 5 of the Foreign Element Regulations; and

(ii) the provision of counselling which is not followed by receipt by the local authority of a written application for assessment of suitability to adopt a child, in accordance with regulation 14(1) of the Foreign Element Regulations; and

(iii) the provision of information prior to receipt by a local authority of a written application for an assessment of suitability to adopt a child, in accordance with regulation 14(1) of the Foreign Element Regulations;

(iv) the provision of information to the prospective adopter, meeting with the prospective adopter or provision of counselling to the prospective adopter in accordance with regulation 19(2) of the Foreign Element Regulations: and

(v) the submission of a report in accordance with regulation 29(2) of the Foreign Element Regulations.

(c) the submission of a report to a relevant foreign authority when the report is not a requirement for the making of a Convention adoption or overseas adoption under the law of the foreign country in which the child is habitually resident.

(5) The fee must—

(**4**) "Facilities" is to be interpreted in accordance with section 3 of the Act.
(**5**) "Convention adoption" is defined by section 66(1)(c) of the Act.
(**6**) "Overseas Adoption" is defined by section 87(1) of the Act.