

[XXXX No. []]

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

The Adoptions with a Foreign Element Regulations [XXXX]

<i>Made</i> - - - - -	XXXX
<i>Laid before Parliament</i>	XXXX
<i>Coming into force</i> --	XXXX

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SCHEDULE 1 - certificate of eligibility and approval

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The Secretary of State for Education and Skills, in exercise of the powers conferred on him by sections 83(4), (5) and (6), 84(3) and (6), 87(2) and (3), 140(7) and (8), 142(4) and (5) of the Adoption and Children Act 2002^(a) and sections 1(1) and (3) to (5) of the Adoption (Intercountry Aspects) Act 1999^(b), and of all other powers enabling him in that behalf, after consultation with the National Assembly for Wales^(c), hereby makes the following Regulations:—

(a) 2002 c.38.

(b) 1999 c.18.

(c) By virtue of sections 83(9), 84(7) and 87(6) of the 2002 Act and section 16(1) of the Adoption (Intercountry Aspects) Act 1999, the powers under those sections are exercisable after consultation with the National Assembly for Wales.

PART 1

GENERAL

Citation, commencement and application

- 1.—(a) These Regulations may be cited as the Adoptions with a Foreign Element Regulations [XXXX] and shall come into force on [XXXX]
- (b) These Regulations apply to England and Wales.

Interpretation

2. In these Regulations—

“the 2002 Act” means the Adoption and Children Act 2002;

“the Agencies Regulations” means the Adoption Agencies Regulations XXXX(a);

“the Agencies (Wales) Regulations” means the Adoption Agencies (Wales) regulations XXXX(b);

“adoption panel” means a panel established in accordance with regulation 3 of the Agencies Regulations or, as the case may be regulation 3 of the Agencies (Wales) Regulations;

“CA of the receiving State” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the receiving State;

“CA of the State of origin” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the State of origin;

“Convention adoption” is given a meaning by virtue of section 66(1)(c) of the 2002 Act;

“receiving State” has the same meaning as in Article 2 of the Convention;

“relevant Central Authority”(c) means -

- (a) in Chapter 2 of Part 4, in relation to a prospective adopter who is habitually resident in -

- (i) England, the Secretary of State; and
(ii) Wales, the National Assembly for Wales;

- (b) in Chapter 3 of Part 4 in relation to a local authority in —

- (i) England, the Secretary of State;
(ii) Wales, the National Assembly for Wales;

“relevant foreign authority” 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(d) or to the functions of the Secretary of State in respect of adoptions with a foreign element;

“State of origin” has the same meaning as in Article 2 of the Convention.

(a) S.I. [xxxx]

(b) S.I. [xxxx]

(c) Under section 2(1) of the Adoption (Intercountry Aspects) Act 1999, the functions under the Convention of the Central Authority are to be discharged in relation to England by the Secretary of State and in relation to Wales by the National Assembly for Wales.

(d) See section 2(1) of the 2002 Act for the meaning of adoption agency.

PART 2
**BRINGING CHILDREN INTO AND OUT OF THE UNITED
KINGDOM**

CHAPTER 1
Restrictions on bringing children into the United Kingdom

Requirements applicable in respect of bringing or causing a child to be brought into the United Kingdom

3. A person intending to bring, or to cause another to bring, a child into the United Kingdom in circumstances where section 83(1) of the 2002 Act applies must—

- (a) apply in writing to an adoption agency for an assessment of his suitability to adopt the child(a); and
- (b) give the agency any information it may require for the purpose of the assessment.

Additional requirements in respect of providing counselling and information

4.—(1) In a case where section 83(1) applies, the adoption agency when providing a counselling service in accordance with regulation 20 of the Agencies Regulations or, as the case may be regulation 20 of the Agencies (Wales) Regulations, must –

- (a) explain to the prospective adopter the legal implications of adoption and the procedure in relation to adopting a child from the country of origin; and
- (b) provide him with written information about the matters referred to in sub-paragraph (a).

(2) Paragraph (1) does not apply if the adoption agency is satisfied that the requirements set out in that paragraph have been carried out in respect of the prospective adopter by another agency.

Duties of an adoption agency in respect of carrying out an assessment

5. In a case where section 83(1) applies, the written report which the adoption agency must prepare in accordance with regulation 23(5) of the Agencies Regulations or, as the case may be regulation 23(5) of the Agencies (Wales) Regulations must include -

(a) Part 4 of the Adoption Agencies Regulations imposes duties on an adoption agency in respect of a prospective adoptive and includes the procedure to be adopted in respect of an assessment. See also section 2(1) of the 2002 Act for the meaning of adoption agency.

- (a) the name of the country ("country of origin") from which the prospective adopter wishes to adopt from;
- (b) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin;
- (c) additional information obtained as a consequence of the requirements of the country of origin;
- (d) an assessment of the prospective adopter's suitability to adopt a child who is habitually resident outside the British Islands.

Duties of an adoption agency following approval

6. In a case where section 83(1) applies and the adoption agency decides to approve the prospective adopter as suitable to be an adoptive parent in accordance with regulation 25 of the Agencies Regulations or, as the case may be regulation 25 of the Agencies (Wales) Regulations -

- (a) that agency must send to the Secretary of State or, as the case may be to the National Assembly for Wales -
 - (i) the written decision;
 - (ii) the written reports prepared in accordance with regulation 23(3) and (5) of the Agencies Regulations or, as the case may be regulation 23(5) of the Agencies (Wales) Regulations; and
 - (iii) such other information relating to the case as he or the relevant foreign authority may require;
- (b) that agency must, after receiving notification of the child's details from the prospective adopters in accordance with regulation 7(2)(a), meet with him to discuss the proposed adoption of the particular child.

Conditions applicable in respect of a child brought into the United Kingdom

7.—(1) This regulation prescribes the conditions for the purposes of section 83(5) of the 2002 Act in respect of a child brought into the United Kingdom in circumstances where section 83(1) applies.

(2) Prior to the child's entry into the United Kingdom, the prospective adopter must -

- (a) before he visits the child in the State of origin -
 - (i) notify the agency of the details of the child to be adopted;
 - (ii) provide the agency with any information and reports received from the relevant foreign authority; and
 - (iii) meet with the agency to discuss the proposed adoption;
- (b) visit the child in the State of origin;
- (c) confirm in writing to the agency that the condition in paragraph (2)(b) has been met and he wishes to proceed with the adoption;
- (d) provide the agency with any additional reports and information received on the visit or after visiting the child;
- (e) receive in writing, notification from the Secretary of State that he has issued a certificate confirming to the relevant foreign authority—
 - (i) that the person has been assessed and approved as eligible and suitable to be an adoptive parent; and
 - (ii) that if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed, and an adoption order is made or an overseas

adoption^(a) is effected, the child will be authorised to enter and reside permanently in the United Kingdom.

(3) The prospective adopter must accompany the child on entering the United Kingdom unless, in the case of a couple, the agency and the relevant foreign authority have agreed that it is necessary for only one of them to do so.

(4) Except where an overseas adoption is or is to be effected, within the period of 14 days beginning with the date on which the child is brought into the United Kingdom, the person must give notice to the local authority within whose area he has his home of his intention—

- (i) to apply for an adoption order in accordance with section 44(2) of the 2002 Act; or
- (ii) not to give the child a home.

Duties imposed on the local authority

8.—(1) Where notice is given to a local authority in accordance with regulation 7(4), that authority must —

- (a) set up a case record in respect of the child and place on it any information obtained from the relevant foreign authority;
- (b) secure that officers of that authority visit the child within one month of receipt of the notification given by the prospective adopter and on such other occasions as the local authority considers necessary;
- (c) provide advice as to the availability of adoption support services; and
- (d) provide advice as to the care and maintenance for the child.

(2) The provisions in Part 7 of the Agencies Regulations or, as the case may be Part 7 of the Agencies (Wales) Regulations shall apply in respect of any case record set up in accordance with paragraph (1).

(3) In the case where the prospective adopter fails to make an application under section 50 or 51 of the 2002 Act within two years of the receipt of the notification given in accordance with regulation 7(4), the local authority must review the placement of the child.

(4) For the purposes of the review referred to in paragraph (3), the local authority must consider

- (a) the child's needs, welfare, progress and development, and whether any changes are necessary in order to meet the needs or assist his development;
- (b) the arrangements, if any, in relation to the exercise of parental responsibility for the child;
- (c) the terms upon which leave to enter the United Kingdom is granted and the immigration status of the child;
- (d) the existing arrangements for the provision of adoption support services; and
- (e) in conjunction with the appropriate agencies, the arrangements for meeting the child's health care needs and educational needs.

(5) In a case where the local authority ("the original authority") is notified by the prospective adopter that he intends to move or has moved his home into an area of another local authority, the original authority must notify the local authority in whose area the prospective adopter intends to move or has moved within 14 days of receiving information in respect of that move of -

- (a) the name, gender, date and place of birth of child;
- (b) the prospective adopter's name, gender and date of birth;

^(a) The term "overseas adoption" is given a meaning by virtue of section 87(1) of the 2002 Act.

- (c) the date the child entered the United Kingdom;
- (d) where the original authority received notification of intention to adopt, the date of receipt of such notification;
- (e) where notice of intention to apply for an adoption order under section 44(1) of the 2002 Act has been given, the date of such notice and the stage reached in respect of such application; and
- (f) any other relevant information.

(6) In a case where a prospective adopter has moved his home into an area of another local authority, the particular duties imposed by this regulation shall not apply to that authority if it is satisfied that particular duty has already been carried out by the original authority.

Application of provisions of Chapter 3 of the 2002 Act

9. Regulations 10 to 14 provide for provisions of Chapter 3 of the 2002 Act (placement for adoption and adoption orders) to apply with modifications or not to apply, in relation to a child brought into the United Kingdom for adoption in circumstances where section 83(1) of that Act applies.

Change of name and removal from the United Kingdom

10.—(1) Subject to paragraphs (2) and (3), section 28 of the 2002 Act (consequences of placement) shall apply.

(2) Subsection (2) shall apply as if from the words “under section 19” to “then”, there were substituted “by a relevant foreign authority and the circumstances in section 83(1) of the 2002 Act apply”.

(3) Subsection (3) shall apply as if from the word “surname” there were inserted “unless the relevant foreign authority has agreed the child may be known by a new surname”.

Prospective adopter unable to proceed with adoption

11.—(1) Section 35 of the 2002 Act (return of child) shall apply subject to the modifications made in this regulation.

(2) Subsections (1), (2) and (3) shall apply as if in each place where –

- (a) the words “is placed for adoption by an adoption agency” occur there were substituted “enters the United Kingdom in the circumstances where section 83(1) applies”;
- (b) the word “agency” occurs there was substituted the words “local authority”;
- (c) the words “any parent or guardian of the child” occur there were substituted “the Secretary of State or as the case may be, the National Assembly for Wales”;

(3) Subsection (5) shall apply as if for the words “adoption agency” there were substituted the words “local authority”.

Restrictions on removal

12. Section 36 of the 2002 Act shall apply as if subsections (2) and (5) were omitted.

Partners of parents

13. Section 39 of the 2002 Act shall apply as if subsection (3)(a) was omitted.

Child to live with adopters before application

14. In a case where the requirements imposed and conditions required by section 83(4) and (5) of the 2002 Act have been complied with and met, the provisions in section 42 of that Act shall apply as if in subsection (5) the words from "three years" to "preceding" there were substituted "six months".

CHAPTER 2

Taking children out of the United Kingdom

Cases to which Chapter 2 apply

15. Regulations 16 to 18 apply to cases where a person intends to adopt a child under the law of a country or territory outside the British Islands, other than under the Convention (a).

Additional requirements in respect of a child being considered for adoption outside the United Kingdom

16. In a case where section 85(1) of the 2002 Act (restrictions on taking children out) applies –

- (a) the adoption agency when providing the counselling service and information for the child, parent or guardian of the child in accordance with regulations 13 and 14 of the Agencies Regulations, or as the case may be regulations 13 and 14 of the Agencies (Wales) Regulations must -
 - (i) explain the legal implications of adoption in the country or territory where the proposed adoption is to be effected; and
 - (ii) subject to paragraph (b), provide the child where appropriate, and the parent or guardian of the child with written information about these matters;
- (b) the particular requirement in paragraph (a) in respect of the child or parent or guardian of the child does not apply if the agency is satisfied that requirement has been carried out in respect of the child, or as the case may be, the parent or guardian of the child by another adoption agency;
- (c) the written report which the adoption agency is required to prepare in accordance with regulation 16 of the Agencies Regulations or, as the case may be regulation 16 of the Agencies (Wales) Regulations must include -
 - (i) an assessment of whether an adoption by a person habitually resident in a country outside the United Kingdom may be in the child's best interest;
 - (ii) a summary of the possibilities for placement of the child within the United Kingdom and views as to whether an intercountry adoption is in the child's best interests; and
 - (iii) the wishes and feelings of the child about being removed from the United Kingdom to a place outside the British Islands for the purposes of adoption;

(a) The term "the Convention" is defined in section 144(1) of the 2002 Act as "the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

- (d) the adoption agency must obtain from the relevant foreign authority details of the particulars and the information relating to the matters specified in regulation 23(3) and (5) of the Agencies Regulations or regulation 23(3) and (5) of the Agencies (Wales) Regulations;
- (e) the adoption agency must, before the child is placed with the prospective adopters send to the -
 - (i) relevant foreign medical authorities, if known, details of the proposed placement together with a written report of the child's health and current state of health; and
 - (ii) relevant foreign authority details of the proposed placement together with any relevant information in respect of the child.

Giving parental responsibility prior to adoption abroad

17. The prescribed requirements for the purposes of section 84(3) of the 2002 Act (requirements to be satisfied prior to the making of an order) are that -

- (a) an adoption agency has prepared a report to include such details as specified in regulation 16 of the Agencies Regulations or, as the case may be regulation 16 of the Agencies (Wales) Regulations;
- (b) the relevant foreign authority has prepared a report on the suitability of the prospective adopters and has determined and confirmed in writing that they are eligible and suited to adopt;
- (c) the relevant foreign authority has confirmed that the child is or will be authorised to enter and reside permanently in that foreign country;
- (d) the placement plan required under regulation 30(2) and written details of the review of the placement required in accordance with regulation 31 of the Agencies Regulations or, as the case may be regulation 31 of the Agencies (Wales) Regulations have been prepared; and
- (e) the adoption agency confirms in writing that the duties imposed upon them under regulations 10 to 19 of the Agencies Regulations or, as the case may be regulations 10 to 19 of the Agencies (Wales) Regulations have been met.

Application, with or without modifications of provisions which refer to adoption orders

18.—(1) The following provisions of the 2002 Act shall apply to orders under section 84 of that Act as if in each place where the words "adoption order" appear there were substituted "order under section 84(1)" -

- (a) section 18(4) (placing children with parental consent);
- (b) section 20(1) and (4) (advance consent to adoption);
- (c) section 21(4)(b) (placement orders);
- (d) section 24(4) (revoking placement orders);
- (e) section 28(1) (further consequences of placement);
- (f) section 29(4)(a) and (5) (further consequences of placement orders);
- (g) section 32(5) (recovery by parent etc. where child placed and consent withdrawn);
- (h) section 42(7)(sufficient opportunity for adoption agency to see the child);
- (i) section 44(2) (notice of intention to adopt);
- (j) section 47(1) to (5), (8) and (9) (conditions for making orders);
- (k) section 48(1) (restrictions on making applications);
- (l) section 50(1) and (2) (adoption by a couple);

- (m) section 51(1) to (4) (adoption by one person);
- (n) section 52(1) to (4) (parental etc. consent); and
- (o) section 141(3) and (4)(c) (rules of procedure).

(2) Section 35(5) of the 2002 Act (return of child in other cases) shall apply to orders under section 84 of the 2002 Act as if for the first reference to “adoption order” in paragraph (b) there were substituted “order under section 84(1)”.

(3) Section 43 of the 2002 Act shall apply to orders under section 84 as if -

- (a) for the words “adoption order” there were substituted “order under section 84(1)”;
- (b) in paragraph (a) of section 43 the words “suitability of the applicants” there were substituted “the period during which the child’s home was with the applicant or, in the case of an application by two people, both of them”.

PART 3

OVERSEAS ADOPTIONS

Prescribed requirements for overseas adoptions

19. For the purposes of section 87(2) of the 2002 Act (requirements to be met by an adoption for it to be an overseas adoption^(a)), the prescribed requirements are -

- (a) from the date the adoption is effected, the child is treated in accordance with internal laws as not being the child of any person other than the adopter;
- (b) at the time the adoption is made the internal laws enable adoptions to be effected only in accordance with such laws and where -
 - (i) measures are in place to prevent the abduction, the sale of or traffic in children;
 - (ii) measures are in place to prevent improper financial or other gain in relation to adoption;
 - (iii) the consent of the parents or a competent authority to an adoption is required or provision is made to dispense with such consents as may be necessary;
- (c) the adoption can only be effected -
 - (i) in accordance with such procedures as are referred to in regulation 21;
 - (ii) after the competent authorities have confirmed in writing that they are satisfied that the requirements referred to in regulation 22 have been met;
- (d) the adoption effected is recorded by an entry in a public register relating to adoptions is made in accordance with the internal laws of the country or territory concerned; and
- (e) a certificate that the adoption has been effected, signed by a person authorised by the internal laws of the country or territory concerned to sign such a certificate is given to the adoptive parent.

Meaning of “internal laws”

20. For the purposes of this Part, “internal laws” means the law (excluding customary law) of any country or territory outside the British Islands in which the adoption is effected.

^(a) Section 87(1) of the 2002 Act defines “overseas adoption” as an adoption of a description specified in an order made by the Secretary of State, being a description of adoptions effected under the law of any country or territory outside the British Islands, but does not include a convention adoption.

Adoption procedures

21. The procedures referred to in regulation 19(c)(i) are that adoptions are arranged by accredited bodies who –

- (a) pursue only non-profit objectives;
- (b) are staffed by persons qualified by training or experience to work in the field of adoptions; and
- (c) are supervised by competent authorities of that State as to their composition, operation and financial situation.

Confirmation of requirements

22.—(1) The requirements referred to in regulation 19(c)(ii) are that the competent authorities have determined –

- (a) that adoption is in the child's best interest;
- (b) where the child is habitually resident;
- (c) the persons, institutions or authorities whose consent is necessary for adoption have been counselled as may be necessary and informed of the consequences of the adoption; and
- (d) subject to paragraph (2), the prospective adopter is suitable and eligible to adopt.

(2) In the case where the consent of a mother is required in order for the adoption to be effected, such consent shall not be given less than six weeks after the child's birth.

(3) In the case where the competent authority has not determined whether the prospective adopter is suitable and eligible to adopt, the competent authority must be able to confirm that there is evidence of a determination by a relevant foreign authority of the prospective adopter's suitability and eligibility.

PART 4
ADOPTIONS UNDER THE CONVENTION
CHAPTER 1

General provisions in respect of Adoptions under the Convention

Scope of Part 4

23.—(1) Chapter 2 of this Part of these Regulations shall apply where a child habitually resident in a Convention country outside the British Islands has been, is being, or is to be moved to England or Wales by a couple or person habitually resident in any part of the British Islands either after his Convention adoption, or for the purposes of an adoption under the Convention (a) in England or Wales.

(2) Chapter 3 of this Part of these Regulations shall apply where a child habitually resident in England or Wales is being, or is moved to a Convention country outside the British Islands by a couple or person habitually resident outside the British Islands either after his adoption in England and Wales under the Convention, or for the purposes of such an adoption in that Convention country.

(3) This Part of these Regulations shall not apply to any case where the Convention country concerned is a country in respect of which the United Kingdom has raised objections under Article 44(3) of the Convention.

Application, with or without modifications of the 2002 Act

24. Subject to the modifications in Chapters 2 and 3 of this Part of these Regulations, the provisions of the 2002 Act shall apply in respect of adoptions under the Convention.

Application, with modifications, of Regulations

25. Subject to the provisions in this Part of these Regulations, the provisions in the Agencies Regulations and, as the case may be, the Agencies (Wales) Regulations shall apply in respect of adoptions under the Convention.

Offences

26. Any person who contravenes or fails to comply with –

- (a) regulation 36 (duty to notify local authority); or
- (b) regulation 50 (return of child to local authority within period prescribed by the court),

without reasonable excuse is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

(a) See section 18(2) of the Adoption (Intercountry Aspects) Act 1999. The term “Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993. See also section 144(1) of the 2002 Act. “Convention country” means a country or territory in which the Convention is in force.

CHAPTER 2

Additional requirements, procedure, recognition and effect of adoptions in England and Wales where the United Kingdom is the Receiving State

Requirements in respect of eligibility and suitability

27.—(1) A person who wishes to adopt a child under the Convention must -

- (a) apply in writing to an adoption agency for an assessment of his suitability to adopt a child; and
- (b) give the agency any information it may require for the purposes of the assessment.

(2) An adoption agency may not consider an application for an assessment of suitability unless at the date of the application the couple or, as the case may be one person meets the condition in section 49(3) (habitually resident) and satisfies the age requirements, in the case of a couple in section 50 or, in the case of one person in section 51 of the 2002 Act.

Additional counselling and information

28.—(1) Where an adoption agency provides counselling and information in accordance with regulation 20 of the Agencies Regulations or, as the case may be regulation 20 of the Agencies (Wales) Regulations, the agency must -

- (a) explain to the prospective adopter the legal implications of adoption and the procedure in relation to adopting a child under the Convention; and
- (b) provide him with written information about the matters referred to in sub-paragraph (a).

(2) Paragraph (1) does not apply if the adoption agency is satisfied that the requirements set out in that paragraph have been carried out in respect of the prospective adopters by another agency.

Procedure in respect of carrying out an assessment

29.—(1) Where the adoption agency is satisfied that the procedures in respect of the requirements relating to -

- (a) eligibility and suitability;
- (b) the provision of counselling and information;
- (c) police checks under regulation 21 of the Agencies Regulations or regulation 21 of the Agencies (Wales) Regulations,

have been carried out for the purposes of an adoption under the Convention, the procedure in regulation 23 of the Agencies Regulations or, as the case may be regulation 23 of the Agencies (Wales) Regulations and the additional requirements in this regulation shall apply.

(2) The agency must place on the case record any information obtained as a consequence of any of the provisions in this Chapter.

(3) The agency, in the written report that is required to be prepared in accordance with regulation 23(5) of the Agencies Regulations or, as the case may be regulation 23(5) of the Agencies (Wales) Regulations], must -

- (a) state the Convention country from which the prospective adopter wishes to adopt a child;
- (b) confirm that the prospective adopter is eligible to adopt a child under the law of that Convention country;
- (c) provide any other information which the Convention country concerned usually requires; and

- (d) include an assessment as to the ability of the prospective adopter to undertake an adoption under the Convention and any other information which may be relevant.

Procedure following approval by adoption agency

30.—(1) Where an adoption agency has decided that the prospective adopter is suitable to be an adoptive parent in respect of an adoption under the Convention (“the decision”) it must send to the relevant Central Authority –

- (a) written confirmation of the decision;
- (b) the written reports obtained in accordance with regulation 23(3) of the Agencies Regulations or, as the case may be regulation 23(3) of the Agencies (Wales) Regulations;
- (c) the written report prepared in accordance with regulation 23(5) of the Agencies Regulations or, as the case may be regulation 23(5) of the Agencies (Wales) Regulations.

(2) The relevant Central Authority may seek further information from the adoption agency, if that Authority considers it is appropriate to do so.

(3) If the relevant Central Authority is satisfied that the adoption agency has complied, in so far as is applicable with regulations 20 to 26 of the Agencies Regulations or, as the case may be regulations 20 to 26 of the Agencies (Wales) Regulations and that all the relevant information has been supplied by that agency, the Authority must send to the CA of the State of origin -

- (a) a certificate in the form set out in Schedule 1 confirming that the –
 - (i) prospective adopter is eligible to adopt;
 - (ii) prospective adopter has been assessed in accordance with the provisions in these Regulations and the Agencies Regulations or, as the case may be the Agencies (Wales) Regulations;
 - (iii) prospective adopter has been approved as suitable to be an adoptive parent;
 - (iv) child will be authorised to enter and reside permanently in the United Kingdom if entry clearance, and leave to enter or remain as may be necessary, is granted and not revoked or curtailed and a Convention adoption order or Convention adoption^(a) is made;
- (b) a copy of the decision; and
- (c) a copy of the report prepared in accordance with regulation 23(5) of the Agencies Regulations or, as the case may be regulation 23(5) of the Agencies (Wales) Regulations.

(4) The relevant Central Authority must notify the adoption agency and the prospective adopter in writing that the certificate and the documents referred to in paragraph (3) have been sent to the CA of the State of origin.

Procedure following receipt of the Article 16 Information from the CA of the State of origin

31.—(1) Where the Central Authority receives from the CA of the State of origin, the Article 16 Information relating to the child whom the CA of the State of origin considers should be placed for adoption with the prospective adopter, the relevant Central Authority must send that Information to the adoption agency.

(2) The adoption agency must consider the Article 16 Information and –

- (a) send that Information to the prospective adopter;
- (b) meet with him to discuss the Article 16 Information and the proposed placement; and

^(a) The term “Convention adoption order” is defined in section 144 of the 2002 Act. The term “Convention adoption” is given a meaning in section 66(1)© of the 2002 Act.

- (c) if appropriate, offer a counselling service and further information as required.
- (3) Where –
- (a) the procedure in paragraph (2) has been followed;
 - (b) the prospective adopter (and where the prospective adopters are a couple each of them) has visited the child in the State of origin; and
 - (c) after that visit to the child, the prospective adopter confirmed in writing that he –
 - (i) has visited the child; and
 - (ii) wishes to proceed to adopt the child,

the adoption agency must notify the relevant Central Authority that the requirements specified in sub-paragraph (a), (b) and (c) have been satisfied and at the same time it must confirm that it is content that the adoption should proceed.

(4) Where the relevant Central Authority has received notification from the adoption agency under paragraph (3), the relevant Central Authority shall –

- (a) notify the CA of the State of origin that –
 - (i) the prospective adopter wishes to proceed to adopt the child;
 - (ii) it is prepared to agree with the CA of the State of origin that the adoption may proceed; and
- (b) confirm to the CA of the State of origin that –
 - (i) in the case where the requirements specified in section 1(5A) of the British Nationality Act 1981(a) are met that, the child will be authorised to enter and reside permanently in the United Kingdom; and
 - (ii) in any other case, if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed and a Convention adoption order or a Convention adoption is made, the child will be authorised to enter and reside permanently in the United Kingdom.

(5) The relevant Central Authority must inform the adoption agency and the prospective adopter when the agreement under Article 17(c)(b) of the Convention has been made.

(6) For the purposes of this regulation “the Article 16 Information” means –

- (a) the report referred to in Article 16(1) of the Convention including information about the child’s identity, adoptability, background, social environment, family history, medical history including that of the child’s family and any special needs of the child;
- (b) proof of confirmation that the consents of the persons, institutions and authorities whose consents are necessary for adoption have been obtained in accordance with Article 4 of the Convention; and
- (c) the reasons for the CA of the State of origin’s determination on the placement.

Procedure where proposed adoption is not to proceed

32.—(1) If, at any stage before the agreement under Article 17(c) of the Convention is made, the CA of the State of origin notifies the relevant Central Authority that it has decided the proposed placement should not proceed, the relevant Central Authority must inform the adoption agency of the CA of the State of origin’s decision and the agency must then inform the prospective adopter and

(a) 1981 c61. Section 1 is amended by section 7 of the Adoption (Intercountry Aspects) Act 1999 and by section 137 of the 2002 Act.

(b) Article 17 sets out the conditions which must be satisfied before a decision may be made by the State of origin that a child may be placed with prospective adopters. The condition in Article 17© is that the Central Authority of the State of origin and receiving State have agreed that the adoption may proceed.

return the documents referred to in regulation 31(2)(a) to that Authority who must then return them to the CA of the State of origin.

(2) If at any stage before the child is placed with him, the prospective adopter notifies the adoption agency that he does not wish to proceed with the adoption of the child, that agency must inform the relevant Central Authority and return the documents to that Authority who must in turn notify the CA of the State of origin of the prospective adopter's decision and return the documents to the CA of the State of origin.

Duty of prospective adopter on entering the United Kingdom

33. Following any agreement under Article 17(c) of the Convention and the placement of the child by the competent authority in the State of origin with the prospective adopter, the prospective adopter must accompany the child on entering the United Kingdom unless, in the case of a couple, the agency and the CA of the State of origin have agreed that it is necessary for only one of them to do so.

Duty of adoption agency before the arrival of the child in England or Wales

34. Where the adoption agency is informed by the relevant Central Authority that the Agreement under Article 17(c) of the Convention has been made and the adoption may proceed, that agency must –

- (a) send the prospective adopter's general practitioner written notification of the proposed placement and send with that notification a written report of the child's health history and current state of health, so far as it is known;
- (b) send the local authority (if that authority is not the adoption agency) and the Primary Care Trust, or as the case may be, the Health Board in whose area the prospective adopter resides written notification of the proposed arrival into England or Wales of the child and send with that notification any adoption support services that the agency intend to provide for the adoptive family; and
- (c) send the local education authority in whose area the prospective adopter resides written notification of the proposed arrival into England and Wales and information about the child's educational history if known and whether he is likely to be assessed for special educational needs under the Education Act 1996(a).

Requirements following arrival of the child but no Convention adoption is made in the State of Origin

35. Regulations 36 to 48 apply where, following agreement between the relevant Central Authority and the CA of the State of origin under Article 17(c) of the Convention that the adoption may proceed, no Convention adoption is made, or applied for, in the State of origin but the child is placed with the prospective adopter in the State of origin and he then returns to England or Wales with the child.

Duty of prospective adopter following arrival of child

36. A prospective adopter with whom the child is placed must within the period of fourteen days beginning with the date on which he brings the child into the United Kingdom give notice to the local authority within whose area he has his home ("the relevant local authority") of the child's arrival in the United Kingdom and

(a) 1996 c.56.

- (a) his intention to apply for an adoption order to be made as a Convention adoption order in accordance with section 44(2) of the 2002 Act; or
- (b) his intention not to give the child a home.

Duty of local authority following arrival of child

37. Where notice is given to a local authority in accordance with regulation 36, the duties imposed by regulation 8 shall apply and the reference in that regulation to “regulation 7(5)” shall be read as if it were a reference to “regulation 36”.

Change of name and removal from the United Kingdom

38.—(1) Subject to paragraphs (2) and (3), section 28 of the 2002 Act (consequences of placement) shall apply.

(2) Subsection (2) shall apply as if -

- (a) at the end of paragraph (a), the word “or” was omitted;
- (b) at the end of paragraph (b) there were inserted “or (c) a child is placed with prospective adopters for the purposes of a Convention adoption order by a competent authority in the State of origin,”.

(3) Subsection (3) shall apply as if from the word “surname” there were inserted “unless the competent authority in the State of origin has agreed the child may be known by a new surname”.

Application to adopt not to proceed

39.—(1) Section 35 of the 2002 Act (return of child) shall apply subject to the modifications made in this regulation.

(2) Subsections (1), (2) and (3) shall apply as if in each place where -

- (a) the words “is placed for adoption by an adoption agency” occur there were substituted “enters the United Kingdom for the purposes of an adoption under the Convention”;
- (b) the word “agency” occurs there was substituted the words “local authority”.
- (c) the words “any parent or guardian of the child” occur there were substituted “the relevant Central Authority”;
- (d) Subsection (5) shall apply as if -
 - (i) for the words “an adoption agency” there were substituted the words “a local authority”;
 - (ii) in each place immediately after the words “adoption order” occur there is inserted “under the Convention”.

Restrictions on removal of child

40.—(1) Subject to paragraph (2), section 36 of the 2002 Act shall apply as if subsection (2) was omitted.

(2) Subsection (1) shall apply as if -

- (a) at the end of paragraph (b), the word “or” was omitted;
- (b) at the end of paragraph (c), there were inserted “or (d) have applied for a Convention adoption order or given notice of intention to adopt under the Convention,”.

Partners of Parents

41. Section 39 of the 2002 Act shall apply as if subsection (3)(a) was omitted.

Convention adoption unable to proceed or be made

42.—(1) This regulation applies where –

- (a) the prospective adopter notifies the relevant authority under section 35(1) of the 2002 Act that he does not wish to proceed with the adoption;
- (b) the prospective adopter returns the child to the relevant local authority in accordance with section 35(2) of the 2002 Act;
- (c) the relevant local authority has removed the child from the home of the prospective adopter; or
- (d) an application for a Convention adoption order (a) is refused, or a Convention adoption or a Convention adoption order is annulled pursuant to section 89(1) of the 2002 Act.

(2) Where the relevant authority is satisfied that it would be in the child's best interests to be placed for adoption with another prospective adopter habitually resident in the United Kingdom that authority must seek to identify a suitable adoptive parent for the child.

(3) Where the relevant local authority has identified another prospective adopter who is eligible to adopt and has been assessed and approved as suitable to be an adoptive parent for the child in accordance with Part 4 the Agencies Regulations or, as the case may be Part 4 of the Agencies (Wales) Regulations –

- (a) that authority must notify the relevant Central Authority in writing that –
 - (i) another prospective adopter has been identified; and
 - (ii) the requirements, procedure and notifications as provided for in this Chapter have been complied with; and
- (b) the procedures in regulation 30 (procedure following approval by adoption agency) shall apply in respect of that prospective adopter.

(4) Where the relevant Central Authority has been notified in accordance with paragraph (3) that the procedures and requirements to be followed or met by an adoption agency in accordance with regulation 30, regulations 31 and 32 shall apply in respect of the proposed adoption by the prospective adopter.

(5) Where the relevant local authority is not satisfied it would be in the child's best interests to be placed for adoption with another prospective adopter in England and Wales, it must liaise with the relevant Authority to arrange for the return of the child to his State of origin.

(6) Before coming to any decision under this regulation, the relevant local authority must have regard to the wishes and feelings of the child, having regard to his age and understanding, and where appropriate, obtain his consent in relation to measures to be taken under this regulation.

Convention adoptions subject to a probationary period

43.—(1) This regulation applies where –

- (a) the child has been placed with the prospective adopters by the competent authority in the State of origin and a Convention adoption has been applied for by the prospective adopters in the State of origin but the child's placement with the prospective adopter is subject to a probationary period before the Convention adoption is made; and

(a) See section 144(1) of the 2002 Act.

- (b) the prospective adopter returns to England or Wales with the child before that probationary period is completed and the Convention adoption is made in the State of origin.

(2) The relevant local authority must, if requested by the competent authority of the State of origin, submit a report about the placement to that authority and such a report must be prepared within such timescale and contain such information as the competent authority may reasonably require.

Child to live with adopters before application for a Convention adoption order

44. Section 42 of the 2002 Act shall apply as if in subsection (5) -

- (a) for the words “In any other case” there were substituted the words “In the case of an adoption under the Convention”;
- (b) from the words “three years” to “preceding” there were substituted “six months”.

Notice of intention to adopt

45. Section 44 of the 2002 Act shall apply as if -

- (a) subsection (3) was omitted;
- (b) in subsection (4)(a) the word “Convention” was inserted immediately before “adoption”.

Report of local authority investigation

46. The report of the investigation which a local authority must submit to the court in accordance with section 44(5) of the 2002 Act must include –

- (a) copy of the certificate sent to the CA of the State of origin in accordance with regulation 30(3); and
- (b) the date on which the Article 17(c) agreement was made.

Application for a Convention adoption order

47.—(1) Subject to paragraph (2), an application for a Convention adoption order (a), must be made in accordance with sections 49 and 50 or 51 of the 2002 Act.

(2) Section 49 of the 2002 Act shall apply as if –

- (a) in subsection (2), from the words “at least” to the “the British Islands” there were substituted “the child to be adopted was, on the date on which the agreement under Article 17(c) was made, habitually resident in a Convention country outside”; and
- (b) at the end there were inserted “(6) In a case where the applicant (in case of an application by one person) or one of the couple is not a British citizen by virtue of the British Nationality Act 1981(b), the Home Office has confirmed that the child is authorised to enter and reside permanently in the United Kingdom.”.

(a) A “Convention adoption order” is defined in section 144 (1) of the 2002 Act.
(b) 1981 c.61.

Convention adoption order

48. An adoption order may only be made as a Convention adoption order where the court is satisfied that the procedures and requirements in this Chapter have been followed and met.

Procedural requirements following a Convention adoption order or Convention adoption

49.—(1) Where a Convention adoption order is made by a court in England or Wales, the court must send a copy of that order to the relevant Central Authority.

(2) On receipt of an order under paragraph (1), the relevant Authority must issue a certificate in the form set out in Schedule 2 certifying that the adoption has been made in accordance with the Convention.

(3) A copy of the certificate issued under paragraph (2) must be sent to the –

- (a) CA of the State of origin;
- (b) adoptive parents; and
- (c) adoption agency and, if different, the relevant authority.

(4) Where the Central Authority receive a certificate under article 23(a) of the Convention in respect of a Convention adoption made in that Convention country, the relevant Central Authority must send a copy of that certificate to the –

- (a) adoptive parents; and
- (b) adoption agency.

Refusal of a court in England or Wales to make a Convention adoption order

50. Where an application for a Convention adoption order is refused by the court or is withdrawn, the prospective adopter must return the child to the relevant local authority within the period determined by the court.

Annulment of a Convention adoption order or a Convention adoption

51. Where a Convention adoption order or a Convention adoption is annulled under section 89(1) of the 2002 Act the court must send a copy of the order to the –

- (a) relevant Central Authority for onward transmission to the CA of the State of origin;
- (b) adoptive parents; and
- (c) adoption agency and, if different, the relevant local authority.

(a) Article 23 provides that an adoption certificate certified by the competent authority of the State as having been made in accordance with the Convention shall be recognised by other contracting States. The certificate must specify when and by whom the agreement that the adoption could proceed was given.

CHAPTER 3

Additional requirements and procedure in England and Wales where the United Kingdom is the State of origin

Additional counselling and information

52.—(1) Where an adoption agency provides counselling and information for the child, parent or guardian in accordance with regulations 13 and 14 of the Agencies Regulations, or as the case may be regulations 13 and 14 of the Agencies (Wales) Regulations, the agency must -

- (a) explain to the child in an appropriate manner the procedures and legal implications of an adoption under the Convention and where appropriate provide written information about such matters; and
- (b) explain to the parent or guardian of the child the procedure, legal implications of an adoption under the Convention and provide him with written information of such matters.

(2) The particular requirement in paragraph (1) in respect of the child or parent or guardian does not apply if the agency is satisfied that the requirement has been carried out in respect of the child, or as the case may be the parent or guardian of the child by another adoption agency.

Additional requirements in respect of the written report for the adoption panel

53. The written report which the adoption agency is required to prepare in accordance with regulation 16 of the Agencies Regulations, or as the case may be regulation 16 of the Agencies (Wales) Regulations must include -

- (a) an assessment of whether an adoption by a person habitually resident in another Convention country is in the child's best interests; and
- (b) a summary of the possibilities for placement of the child within the United Kingdom and views as to whether a Convention adoption is in the child's best interests.

Adoption agency decision and notification

54.—(1) Where the adoption agency decides that the child should be placed for a Convention adoption it must notify the relevant Central Authority of -

- (a) the name and age of the child;
- (b) the reasons why they consider that the child may be suitable for a Convention adoption; and
- (c) any other information that Authority may require.

(2) The relevant Central Authority is to maintain a list of children who are notified to that Authority under paragraph (1) and shall make the contents of that list available for consultation by other Central Authorities within the British Islands.

Convention List

55.—(1) Where an adoption agency -

- (a) places for adoption a child whose details have been notified to the relevant Central Authority under regulation 54(1); or
- (b) determines that a Convention adoption is no longer in the best interests of the child,

they must notify the relevant Central Authority accordingly and that Authority must remove the details relating to that child from the Convention list.

(2) In this regulation and regulation 56 "Convention list" means -

- (a) in relation to a relevant Central Authority, a list of children notified to that Authority in accordance with regulation 54(1); or

- (b) in relation to any other Central Authority within the British Islands, a list of children notified to that Authority in accordance with provisions, which corresponds to regulation 54(1).

Receipt of the Article 15 Report from the CA of the Receiving State

56.—(1) This regulation applies where -

- (a) the relevant Central Authority receives a report from the CA of the receiving State which has been prepared for the purposes of Article 15 of the Convention^(a) (“the Article 15 Report”);
- (b) the Article 15 Report relates to a prospective adopter who is habitually resident in that receiving State; and
- (c) that prospective adopter wishes to adopt a child.

(2) If the relevant Central Authority is satisfied the prospective adopter meets the following requirements -

- (a) the age requirements as specified in section 50 of the 2002 Act in the case of adoption by a couple, or section 51 of that Act in the case of adoption by one person;
- (b) in the case of a couple, both are, or in the case of adoption by one person, that person is habitually resident in a Convention country outside the British Islands,

that Authority must consult the Convention list and may, if the Authority considers it appropriate, consult any Convention list maintained by another Central Authority within the British Islands.

(3) The relevant Central Authority may pass a copy of the Article 15 Report to any other Central Authority within the British Islands for the purposes of enabling that Authority to consult its Convention list.

(4) Where the relevant Central Authority identifies a child on the Convention list who may be suitable for adoption by the prospective adopter, that Authority must send the Article 15 Report to the local authority which referred the child’s details to the Authority.

Referral of proposed placement to adoption panel

57. The adoption agency must consider the Article 15 Report and where it considers that the proposed placement should proceed in accordance with regulation 27 of the Agencies Regulations or, as the case may be regulation 27 of the Agencies (Wales) Regulations, the agency must also send the Article 15 Report to the adoption panel.

Consideration by adoption panel

58. In considering what recommendation to make in accordance with regulation 28 of the Agencies Regulations, or as the case may be regulation 28 of the Agencies (Wales) Regulations, the adoption panel must consider the Article 15 Report.

Preparation of the Article 16 Information

59.—(1) If the adoption agency decides that the proposed placement should proceed, it must prepare a report for the purposes of Article 16(1) of the Convention which must include -

^(a) Article 15 provides for the CA of the receiving State if satisfied that the applicants are eligible and suited to adopt, to prepare a report including information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the child for whom they would be qualified to care.

- (a) the information about the child which is specified in Part 1 of Schedule 1 to the Agencies Regulations or, as the case may be Part 1 of Schedule 1 to the Agencies (Wales) Regulations;
 - (b) the information about the child's family and others which is specified in Parts 2 and 5 of Schedule 1 to the Agencies Regulations or, as the case may be Parts 2 and 5 of Schedule 1 to the Agencies (Wales) Regulations; and
 - (c) the reasons for their decision.
- (2) The adoption agency must send the report referred to in paragraph (1) to the relevant Central Authority together with details of any placement order or other orders, if any, made by the courts.
- (3) The relevant Central Authority may notify the CA of the receiving State that it is prepared to agree that the adoption may proceed provided that CA has confirmed that -
- (a) the prospective adopter has agreed to adopt the child and has received such counselling as may be necessary;
 - (b) the prospective adopter has confirmed that he will accompany the child to the receiving State, unless in the case of a couple, the adoption agency and the CA of the receiving State have agreed that it is only necessary for one of them to do so;
 - (c) it is content for the adoption to proceed;
 - (d) in the case where a Convention adoption is to be effected, the prospective adopter intends to make an application under section 84(1) of the 2002 Act; and
 - (e) the child is or will be authorised to enter and reside permanently in the Convention country if a Convention adoption is effected or a Convention adoption order is made.
- (4) Subject to paragraph (6), the relevant Central Authority may not make an agreement under Article 17(c) of the Convention with the CA of the receiving State unless the agency have confirmed to that Authority that -
- (a) it has met the prospective adopter;
 - (b) the prospective adopter has visited the child; and
 - (c) the Convention prospective adopter is content for the adoption to proceed.
- (5) An adoption agency may not place a child for adoption unless the agreement under Article 17(c) of the Convention has been made and the relevant Central Authority must advise the agency when that agreement has been made.
- (6) In paragraph (4), the reference to "prospective adopter" means in the case of a couple, both of them.

Giving parental responsibility prior to adoption abroad

60. The prescribed requirements for the purposes of section 84(3) of the 2002 Act (requirements to be satisfied prior to making an order) are —

- (a) the competent authorities of the receiving State have —
 - (i) prepared a report for the purposes of Article 15 of the Convention;
 - (ii) determined and confirmed in writing that the prospective adoptive parents are eligible and suited to adopt;
 - (iii) ensured and confirmed in writing that the prospective adoptive parent has been counselled as may be necessary; and
 - (iv) determined and confirmed in writing that the child is or will be authorised to enter and reside permanently in that country;
- (b) the report required for the purposes of Article 16(1) of the Convention has been prepared; and

- (c) the adoption agency confirms in writing that the duties imposed upon them under regulations 10 to 19 of the Agencies Regulations or, as the case may be regulations 10 to 19 of the Agencies (Wales) Regulations have been met.

Application, with or without modifications of provisions which refer to adoption orders

61. The following provisions of the 2002 Act shall apply to orders under section 84 of that Act as if in each place where the words “adoption order” appear there were substituted “order under section 84(1)” –

- (a) section 18(4) (placing children with parental consent);
- (b) section 20(1) and (4) (advance consent to adoption);
- (c) section 21(4)(b) (placement orders);
- (d) section 24(4) (revoking placement orders);
- (e) section 28(1) (further consequences of placement);
- (f) section 29(4)(a) and (5) (further consequences of placement orders);
- (g) section 32(5) (recovery by parent etc. where child is placed and consent withdrawn);
- (h) section 42(7)(sufficient opportunity for adoption agency to see the child);
- (i) section 44(2) (notice of intention to adopt);
- (j) 47(1) to (5), (8) and (9) (conditions for making orders);
- (k) section 48(1) (restrictions on making applications);
- (l) section 50(1) and (2) (adoption by couple);
- (m) section 51(1) to (4) (adoption by one person);
- (n) section 52(1) to (4) (parental etc. consent); and
- (o) section 141(3) and (4)(c) (rules of procedure).

(2) Section 35(5) of the 2002 Act (return of child in other cases) shall apply to orders under section 84 of the 2002 Act as if for the first reference to “adoption order” in paragraph (b) there were substituted “order under section 84(1)”.

(3) Section 43 of the 2002 Act shall apply to orders under section 84 as if –

- (a) for the words “adoption order” there were substituted “order under section 84(1)”; and
- (b) in paragraph (a) for the words “suitability of the applicants” there were substituted “the period during which the child’s home was with the applicant or, in the case of an application by two people, both of them”.

Requirements in respect of making an application for a Convention adoption order

62.—(1) Regulations 44 (child to live with adopters) and 45 (notice of intention to adopt) shall apply to a case falling within this Chapter.

(2) The report of the investigation which a local authority must submit to the court in accordance with section 44(5) of the 2002 Act must include -

- (a) a copy of the Article 15 Report;
- (b) a copy of the report prepared for the purposes of Article 16(1) of the Convention; and
- (c) a copy of the Article 17(c) Agreement.

Application for a Convention adoption order

63.—(1) Subject to paragraph (2), an application for a Convention adoption order must be made in accordance with section 49 and, in the case of an adoption by a couple, section 50 or, in the case of an application by one person section 51 of the 2002 Act.

(2) Section 49 of the 2002 Act shall apply as if –

- (a) in subsection (2), from the words “”at least” to the “British Islands” there were substituted “the child to be adopted is habitually resident in any part of the British Islands on the date of the application”; and
- (b) in subsection (3), from the words “have been” to “the date” there were substituted “are habitually resident in a Convention country outside the British Islands on”.

Convention adoption order

64. An adoption order may only be made as a Convention adoption order where the court is satisfied that the procedures and requirements in this Chapter have been followed and met.

Procedural requirements following a Convention adoption order or Convention adoption

65.—(1) Where a Convention adoption order is made in a court in England or Wales, the court must send a copy of that order to the relevant Central Authority.

(2) On receipt of an order under paragraph (1), the relevant Central Authority must issue a certificate in the form set out in Schedule 2 certifying that the Convention adoption order has been made in accordance with the Convention.

(3) A copy of the certificate must be sent to the –

- (a) CA of the receiving State; and
- (b) Local Authority.

(4) Where the relevant Central Authority receives a certificate of the adoption having been made in accordance with the Convention from the competent authority of the receiving State, the relevant Central Authority must send a copy of that certification to the Local Authority.

SCHEDULE 1

regulation 30

Certificate of eligibility and approval

To the Central Authority of the State of origin

Re....[name of applicant]

In accordance with Article 5 of the Convention, I hereby certify on behalf of the Central Authority for [England][Wales] that[name of applicant] has been counselled, is eligible to adopt and has been assessed and approved as suitable to adopt a child from ... [State of origin] by[accredited bodies for the purposes of the Convention].

The attached report has been prepared in accordance with Article 15 of the Convention for presentation to the competent authority in ...[State of origin].

This certificate of eligibility and approval and the report under Article 15 of the Convention are provided on the condition that a Convention adoption or Convention adoption order will not be made until the agreement under Article 17 (c) of the Convention has been made.

I confirm on behalf of the Central Authority that if, following the agreement under Article 17(c) of the Convention that -

[(i) in the case, where the requirements specified in section 1(5A) of the British Nationality Act 1981 are met that the child ...[name] will be authorised to enter and reside permanently in the United Kingdom]

OR

[(ii) in any other case, if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked, or curtailed and a Convention adoption order or Convention adoption is made, the child ...[name] will be authorised to enter and reside permanently in the United Kingdom.]

Signed

On behalf of the Secretary of State Central Authority for England][the National Assembly for Wales Central Authority for Wales]

SCHEDULE 2

Certificate that the Convention adoption order has been made in accordance with the Convention

1. The Central Authority as the competent authority for [England][Wales] being the country in which the Convention adoption order was made hereby certifies, in accordance with Article 23(1) of the Convention, that the child:

(a) name:.....[name on birth certificate, also known as/now known as ...]

sex:.....

date and place of birth:.....

Habitual residence at the time of adoption:.....

State of origin:.....

(b) was adopted on:.....

by order made by: court in [England][Wales].

(c) by the following person(s):

(i) family name and first name(s).....

sex:.....

date and place of birth:.....

habitual residence at the time adoption order made.....

(ii) family name and first name(s).....

sex:.....

date and place of birth:.....

habitual residence at the time adoption order made.....

2. The competent authority for [England][Wales] in pursuance of Article 23(1) of the Convention hereby certifies that the adoption was made in accordance with the Convention and that the agreement under Article 17(c) was given by:

(a) Name and address of the Central Authority in State of origin.....

Date of the agreement

(b) Name and address of the Central Authority in State of origin.....

Date of the agreement

Signed..... Date.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions in relation to adoptions with a foreign element.

Part 2 makes provisions in relation to bringing children into and out of the United Kingdom either where they have being adopted or for the purposes of adoption. Regulations 3 to 6 make provision in relation to the procedures and impose additional requirements that must be met before a child is brought into the United Kingdom. Regulation 7 imposes conditions that must be met in respect of a child brought into the United Kingdom. Regulations 8 to 14 make provision in relation to when the child has entered the United Kingdom. Regulations 15 to 18 make provision in respect of a child being taken out of the United Kingdom for the purposes of adoption.

Part 3 makes provision in relation to the requirements that ought to be met before an adoption of any description made under the law of any country or territory outside the British Islands will be recognised as an overseas adoption in England and Wales.

Part 4 implements the 1993 the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption that was concluded at the Hague on 29 May 1993. Regulations 23 to 26 make general provisions in respect of adoptions made under the Convention. Regulations 27 to 51 make provision in respect of requirements, procedure and duties in England and Wales where the United Kingdom is the receiving State. Regulations 52 to 65 make provision in respect of requirements, procedures and duties in England and Wales where the United Kingdom is the State of origin.

