

*These notes refer to the Adoption and Children Act 2002
(c.38) which received Royal Assent on 7th November 2002*

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Section 45: Suitability of adopters

135. *Section 45* amplifies the power in *section 9* in relation to determining the suitability of prospective adopters. *Subsection (1)* enables the appropriate Minister to make regulations prescribing the matters which must be taken into account by an adoption agency in determining the suitability of any persons to adopt a child, or in making any report in respect of the suitability of such persons. The regulations may in particular make provision for ensuring that adoption agencies give proper regard to the need for stability and permanence in the relationship of a couple in determining their suitability to adopt (*subsection (2)*). Regulations made under *subsection (2)* will be subject to the affirmative procedure – see *section 140(3)*.