



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION SERVICE

Regulations

12 Independent review of determinations

- (1) Regulations under section 9 may establish a procedure under which any person in respect of whom a qualifying determination has been made by an adoption agency may apply to ^{F1}... the appropriate Minister for a review of that determination [^{F2}by a panel constituted by that Minister].
- (2) The regulations must make provision as to the description of determinations which are qualifying determinations for the purposes of subsection (1).
- (3) The regulations may include provision as to—
 - (a) the duties and powers of a panel ^{F3}...,
 - (b) the administration and procedures of a panel,
 - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment),
 - (d) the payment of [^{F4}fees to] members of a panel,
 - (e) the duties of adoption agencies in connection with reviews conducted under the regulations,
 - (f) the monitoring of any such reviews.

Changes to legislation: Adoption and Children Act 2002, Section 12 is up to date with all changes known to be in force on or before 13 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F5}(3A) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the appropriate Minister such sum as that Minister may determine.
- (3B) The appropriate Minister must secure that, taking one financial year with another, the aggregate of the sums which become payable to him under regulations made by virtue of subsection (3A) does not exceed the cost to him of performing his independent review functions.]
- (4) The appropriate Minister may make an arrangement with an organisation under which [^{F6}independent review functions] are performed by the organisation on his behalf.
- (5) If the appropriate Minister makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any general or special directions given by the appropriate Minister.
- (6) The arrangement may include provision for payments to be made to the organisation by the appropriate Minister.
- [^{F7}(6A) Payments made by the appropriate Minister in accordance with such provision shall be taken into account in determining (for the purpose of subsection (3B)) the cost to that Minister of performing his independent review functions.]
- (7) Where the appropriate Minister is the Assembly, subsections (4) and (6) also apply as if references to an organisation included references to the Secretary of State.
- (8) In this section [^{F8}—
- “financial year” means a period of twelve months ending with 31st March,
- “independent review function” means a function conferred or imposed on an appropriate Minister by regulations made by virtue of this section],
- “organisation” includes a public body and a private or voluntary organisation.

Textual Amendments

- F1** Words in s. 12(1) repealed (12.2.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(2\)\(a\)](#), [44\(4\)](#), [Sch. 4](#); S.I. 2009/268, art. [3\(1\)\(f\)\(ii\)](#) (with art. 4); S.I. 2010/749, art. [2\(b\)](#)
- F2** Words in s. 12(1) inserted (12.2.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(2\)\(b\)](#), [44\(4\)](#); S.I. 2009/268, art. [3\(1\)\(f\)\(ii\)](#) (with art. 4); S.I. 2010/749, art. [2\(b\)](#)
- F3** Words in s. 12(3)(a) repealed (12.2.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(3\)](#), [44\(4\)](#), [Sch. 4](#); S.I. 2009/268, art. [3\(1\)\(f\)\(ii\)](#) (with art. 4); S.I. 2010/749, art. [2\(b\)](#)
- F4** Words in s. 12(3)(d) substituted (1.3.2005 for E., 30.12.2005 for W.) by [Children Act 2004 \(c. 31\)](#), ss. [57](#), [67\(7\)\(e\)](#); S.I. 2005/394, art. [2\(1\)\(i\)](#); S.I. 2005/3363, art. [2](#)
- F5** S. 12(3A)(3B) inserted (12.2.2009 for E. for specified purposes, 1.4.2009 for E. in so far as not already in force, 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(4\)](#), [44\(4\)](#); S.I. 2009/268, art. [3\(1\)\(f\)\(iii\)\(2\)\(a\)](#) (with art. 4); S.I. 2010/749, art. [2\(b\)](#)
- F6** Words in s. 12(4) substituted (1.4.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(5\)](#), [44\(4\)](#); S.I. 2009/268, art. [3\(2\)\(a\)](#); S.I. 2010/749, art. [2\(b\)](#)
- F7** S. 12(6A) inserted (1.4.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(6\)](#), [44\(4\)](#); S.I. 2009/268, art. [3\(2\)\(a\)](#); S.I. 2010/749, art. [2\(b\)](#)
- F8** Words in s. 12(8) inserted (1.4.2009 for E., 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. [34\(7\)](#), [44\(4\)](#); S.I. 2009/268, art. [3\(2\)\(a\)](#); S.I. 2010/749, art. [2\(b\)](#)

Commencement Information

- I1** S. 12(1)-(3) in force at 7.2.2004 for W. by [S.I. 2004/252](#), art. [2\(b\)](#)

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- I2** S. 12(1)-(3) in force at 7.12.2004 for specified purposes for E. by [S.I. 2004/3203, art. 2\(1\)\(m\)\(iii\)](#)
- I3** S. 12(1)-(3) in force at 30.12.2005 for E. in so far as not already in force by [S.I. 2005/2213, art. 3\(f\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I4** S. 12(4)-(8) in force at 30.12.2005 for E. by [S.I. 2005/2213, art. 3\(f\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I5** S. 12(4)-(8) in force at 30.12.2005 for W. by [S.I. 2005/3112, art. 2\(c\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))