

---

STATUTORY INSTRUMENTS

---

**1996 No. 3266**

**The Adoption Agencies (Scotland) Regulations 1996**

**Functions of adoption panels**

**11.**—(1) Subject to paragraphs (4), (5) and (6), an adoption panel shall consider the case of every child and proposed placement referred to it by the adoption agency and the case of every prospective adopter referred to it by the agency under regulation 10(4), and shall make recommendations to the agency on such of the following matters as may be appropriate—

- (a) whether adoption is in the best interests of a child and if the panel recommends that it is whether an application under section 18 of the Act should be made to free the child for adoption;
- (b) whether a prospective adopter is suitable to be an adoptive parent; and
- (c) whether a prospective adopter would be a suitable adoptive parent for a particular child.

(2) Where making a recommendation to the adoption agency under paragraph (1)(a) whether adoption is in the best interests of the child—

- (a) an adoption panel shall provide a written report of the consideration given by it to the alternatives to adoption before coming to that recommendation; and
- (b) the adoption panel shall, when recommending in addition that following any adoption there be continued contact between the child and one or both of his then parents, provide a written report of the reasons why adoption is recommended rather than an alternative course of action.

(3) An adoption panel may make the recommendation specified in paragraph (1)(b) only where they had the opportunity to meet with the prospective adopter and had the opportunity to discuss the matter with him.

(4) An adoption panel may make the recommendations specified in paragraph (1) at the same time or at different times but it shall make the recommendation specified in paragraph (1)(c) in respect of a particular child and prospective adopter only if—

- (a) at the meeting of the panel at which that recommendation is to be made a recommendation is also made that adoption is in the best interests of the child; or
- (b) an adoption agency decision has been made in accordance with regulation 12(1) that adoption is in the best interests of the child; and
- (c) in either case—
  - (i) at the meeting of the panel at which the recommendation specified in paragraph (1)(c) is to be made a recommendation is also made that the prospective adopter is suitable to be an adoptive parent; or
  - (ii) an adoption agency decision has been made in accordance with regulation 12(1) that the prospective adopter is suitable to be an adoptive parent.

(5) In considering what recommendations to make the panel shall have regard to the duties imposed upon the adoption agency by sections 6, 6A and 7 of the Act (duty to promote welfare of child, consider alternatives to adoption and religious upbringing of adopted child) and shall as the case may be—

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (a) consider and take into account all the information and reports passed to it by virtue of regulation 8(c) or 9(1)(g) and in accordance with paragraph (6);
  - (b) request the adoption agency to obtain any other relevant information which the panel considers necessary;
  - (c) obtain legal advice in relation to each case.
- (6) An adoption agency may request an adoption panel to consider and advise on any other matters relevant to the agency's performance of its functions under the Act, or under these regulations or under any other regulations made under the Act.