
WELSH STATUTORY INSTRUMENTS

2005 No. 1313

The Adoption Agencies (Wales) Regulations 2005

PART 8

MISCELLANEOUS

Modification of the 1989 Act in relation to adoption

46.—(1) This paragraph applies where —

- (a) a local authority is authorised to place a child for adoption; or
- (b) a child who has been placed for adoption by a local authority is less than six weeks old.

(2) Where paragraph (1) applies —

- (a) section 22(4)(b) of the 1989 Act shall not apply;
- (b) section 22(4)(c) of the 1989 Act shall apply as if for that sub-paragraph there were inserted “(c) any prospective adopter with whom the local authority has placed the child for adoption.”;
- (c) section 22(5)(b) of the 1989 Act shall apply as if for the words “(4)(b) to (d)” there were inserted “(4)(c) and (d)”;
- (d) paragraphs 15 and 21 of Schedule 2 to the 1989 Act shall not apply.

(3) This paragraph applies where a registered adoption society is authorised to place a child for adoption or a child who has been placed for adoption by a registered adoption society is less than 6 weeks old.

(4) Where paragraph (3) applies —

- (a) section 61(2)(a) of the 1989 Act is to have effect in relation to the child whether or not he is accommodated by or on behalf of the society;
- (b) section 61(2)(b) of the 1989 Act shall not apply;
- (c) section 61(2)(c) of the 1989 Act shall apply as if for that sub-paragraph there were inserted “(c) any prospective adopter with whom the registered adoption society has placed the child for adoption.”.

Contact

47.—(1) Where the adoption agency has decided under section 27(2) of the Act to refuse to allow the contact that would otherwise be required by virtue of an order under section 26 of the Act, the agency must, as soon as the decision is made, notify the persons specified in paragraph (4) in writing of those parts of the information specified in paragraph (5) as the agency considers those persons need to know.

(2) The terms of an order under section 26 of the Act may be departed from by agreement between the adoption agency and any person for whose contact with the child the order provides in the following circumstances and subject to the following conditions —

- (a) where the child is of sufficient age and understanding, subject to the child's agreement;
 - (b) where the child is placed for adoption, subject to prior consultation with the prospective adopter with whom the child is placed for adoption; and
 - (c) written notification by the agency to the persons specified in paragraph (4) of those parts of the information specified in paragraph (5) as the agency considers those persons need to know, within seven days of the agreement to depart from the terms of the order.
- (3) Where the adoption agency varies or suspends any arrangements made (otherwise than under an order under section 26 of the Act) with a view to allowing any person contact with the child, the agency must notify the persons specified in paragraph (4) in writing of those parts of the information specified in paragraph (5) as the agency considers those persons need to know.
- (4) The following persons are specified for the purposes of paragraphs (1) and (2) —
- (a) the child, if the adoption agency considers the child is of sufficient age and understanding;
 - (b) the child's parents;
 - (c) any guardian of the child;
 - (d) any person for whose contact with the child the order under section 26 of the Act provides;
 - (e) any person the agency allowed contact with the child;
 - (f) if the child is placed for adoption, the prospective adopter;
 - (g) any other person whose wishes and feelings the agency consider to be relevant.
- (5) The following information is specified for the purposes of paragraphs 1, 2 and 3 —
- (a) adoption agency's decision;
 - (b) date of the decision;
 - (c) reasons for the decision;
 - (d) duration (if applicable).

Revocation

48. The Adoption of Children from Overseas (Wales) Regulations 2001⁽¹⁾, the Adoption of Children from Overseas (Wales) (Amendment) Regulations 2003⁽²⁾ and The Adoption Agencies (Amendment) (Wales) Regulations 2003⁽³⁾ are hereby revoked.

(1) [SI 2001/1272 \(W.71\)](#)
(2) [SI 2003/1634 \(W.176\)](#)
(3) [SI 2003/3223 \(W.306\)](#)