2001 No. 2992

CHILDREN AND YOUNG PERSONS, ENGLAND

The Foster Placement (Children) and Adoption Agencies Amendment (England) Regulations 2001

Made - - - - -	*2nd September 2001*
Laid before Parliament	*4th September 2001*
Coming into force - -	*1st October 2001*

The Secretary of State, in exercise of the powers conferred upon him by section 9(2) and (3) of the Adoption Act 1976(**a**) and 23(2)(a) and (9) of the Children Act 1989(**b**) and all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Foster Placement (Children) and Adoption Agencies Amendment (England) Regulations 2001 and shall come into force on 1st October 2001.

(2) These Regulations extend to England only.

Amendment of the Foster Placement (Children) Regulations 1991

2.—(1) Regulation 3 of the Foster Placement (Children) Regulations 1991(**c**) (approval of foster parents) is amended as follows.

(2) In paragraph (4A)—

(a) for "A person" substitute "Subject to paragraph (4B) a person";

(b) for the words "over the age of 18" substitute "aged 18 or over".

(c) in sub-paragraph (a) after the words "specified offence" insert the words "committed at the age of 18 or over".

(3) After paragraph (4A) insert the following paragraph—

"(4B) A local authority or a voluntary organisation may regard a person to whom paragraph (4A) would, apart from this paragraph, apply, as suitable to act (or to continue to act) as a foster parent in relation to a particular named child or children if it is satisfied that the welfare of that child or children requires it, and either—

(a) the person or a member of his household is a relative(**d**) of the child; or

(b) the person is already acting as a foster parent for the child.".

(**a**) 1976 c. 36.

(**b**) 1989 c. 41. The functions of the Secretary of State under these and the foregoing powers are, in relation to Wales, transferred to the National Assembly for Wales by virtue of Article 2 of, and the entries for the Children Act 1989 and the Adoption Act 1976 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**c**) S.I. 1991/910, as amended by S.I. 1995/2015, S.I. 1997/2308 and S.I. 1999/2768.

(**d**) "Relative" is defined in section 105(1) of the Children Act 1989.

Amendment of the Adoption Agencies Regulations 1983

3. Regulation 8A of the Adoption Agencies Regulations 1983(**a**) is amended as follows—

(a) in paragraphs (1) and (2), for the words "over the age of 18" substitute "aged 18 or over";

(b) in sub-paragraph (2)(a) after the words "specified offence" insert the words "committed at the age of 18 or over".

Signed by authority of the Secretary of State for Health.

Jacqui Smith
Minister of State,
Department of Health

2nd September 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments, in respect of England only, to the Foster Placement (Children) Regulations 1991 and the Adoption Agencies Regulations 1983. Those Regulations provide that a person is not to be considered suitable to foster or adopt a child (as the case may be) if he or a member of his household has been convicted of, or cautioned for, an offence specified in Schedule 2 to the Adoption Agencies Regulations or Schedule 4 to the Foster Placement (Children) Regulations. These Regulations remove this automatic prohibition in limited circumstances. These are, in relation to adoption or fostering, where the offence was committed when a person was under the age of 18, and, in relation to fostering, where the child concerned is a relative of anyone in the household, or is already placed with the person as his foster parent.

(**a**) S.I. 1983/1964 as amended by S.I. 1997/649, S.I. 1997/2308, S.I. 1999/2768 and S.I. 2001/2237.

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