



**ADRODDIAD GAN Y  
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE  
REPORT**

## **The Independent Review of Determinations (Adoption) (Wales) Regulations 2006**

These Regulations are made under the Adoption and Children Act 2002 ("the Act") and make provision for the review by an independent panel in two types of case as outlined in the Explanatory Note to the Regulations.

### **Standing Order 11.7**

The following points have been identified under Standing Order 11.7

The English definition of "suitability determination" contains a cross-reference to regulation 3(a), whilst the corresponding Welsh definition of "penderfyniad ar addasrwydd" refers only to regulation 3. Whilst both are correct, they should be consistent. [Standing Order 11.7(vi)]

The expression "penderfyniad i ddatgelu" ["determination to disclose"] has been used to correspond to "disclosure determination" in regulation 2. However, the determination can also be not to disclose, so "penderfyniad ar ddatgelu" would be more appropriate, both here and when the defined term is used. This is the format used in relation to "suitability determination" ["penderfyniad ar addasrwydd"]. [Standing Order 11.7(v)]

Regulation 9 appears to be intended to have no legal effect; the use of "will" does not convey a duty or a power. If the National Assembly is required to do this work, "must" should be substituted.

Similarly in regulation 17(2). [Standing Order 11.7(v)]

Regulation 13(b) uses gender specific language ("him"). [Standing Order 11.7(vii)]

These are appropriate for correction by a Memorandum of Corrections.

## **Observations**

The Regulations contain no transitional arrangements for any reviews proceeding under the current Regulations, which it is proposed to revoke. It is understood that this is because there have been no reviews under the existing Regulations.

The corresponding Welsh terms need to be inserted in the English definitions in regulation 2. As this is to assist the reader rather than to have any legal effect, this can be done on publication.

## **David Melding AM**

Chair, Legislation Committee

**7 November 2006**