

Statutory Document No. 2024/0150



Adoption Act 2021

ADOPTION (CONTACT) REGULATIONS 2024¹

Laid before Tynwald: 19 June 2024
Coming into Operation in accordance with regulation 2

The Department of Health and Social Care makes the following Regulations under section 38 of the Adoption Act 2021.

1 Title

These Regulations are the Adoption (Contact) Regulations 2024.

2 Commencement

These Regulations come into operation immediately upon the coming into operation of section 38 of the Adoption Act 2021.¹

3 Contact: supplementary

- (1) Where an adoption agency has decided under section 38(2) of the Adoption Act 2021 (“the Act”) to refuse to allow the contact that would otherwise be required by virtue of an order under section 37 of the Act, the agency must, as soon as the decision is made —
- (a) inform the persons specified in paragraph (3); and
 - (b) notify them of —
 - (i) the decision;
 - (ii) the date of the decision;
 - (iii) the reasons for the decision; and
 - (iv) the duration of the period during which contact is not to take place.

¹ Under section 123(1) of the Adoption Act 2021 these Regulations are subject to section 32 of the Legislation Act 2015 (negative procedure). Section 71 of the Interpretation Act 2015 allows a power in an Act to make a public document to be exercised notwithstanding that that enabling power has not yet commenced. By virtue of section 71(4) of the Interpretation Act 2015, any public document so made cannot commence before the enabling power is itself commenced.

- (2) The terms of an order under section 37 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 —
- (a) in a case where the child is of sufficient age and understanding, where the child has agreed to that departure;
 - (b) in a case where the child is placed for adoption, where the prospective adopter with whom the child is placed for adoption has been consulted about the potential departure before the agreement is reached; and
 - (c) where the agency has notified the persons specified in paragraph (3) in writing of the terms of the agreed departure.
- (3) The persons referred to in paragraph (1) and (2) are —
- (a) the child, if the adoption agency considers the child is of sufficient age and understanding;
 - (b) the person in whose favour the order under section 37 was made; and
 - (c) the prospective adopter where the child is placed for adoption.

MADE 10 MAY 2024

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.