

For discussion
on 31 May 2004

**Bills Committee on
Adoption (Amendment) Bill 2003**

Draft Committee Stage Amendments (CSAs) – Revised Part I

Purpose

Following the Bills Committee meeting on 27 May 2004, we have revised the draft Part I CSAs taking into account Members' comments. This paper sets out the main changes made to the draft CSAs. For details, please see Annex.

Textual Amendments

2. Textual amendments are made to –
 - (a) new section 22 (clause 27) in relation to the fees to be approved by the Director of Social Welfare (the Director); and
 - (b) new section 23C(2A) (clause 29) by adding a new definition of “relative” for the purpose of section 23C(1). This new definition is basically the same as the one contained in section 2 of the Ordinance, except that a person related to the infant by affinity or adoption or who is the father of a child born out of wedlock without parental rights as well as the blood relations of such a father is excluded.

Restrictions on Arranging Adoption and Placing of an infant for Adoption

3. Amendments are made to new section 23A (clause 29) to make it clear that the restrictions on arranging adoption and placing of an infant for adoption would only apply to local and intercountry adoption, it would not apply to intracountry adoption. This is reflected in new sections 23A(1B) and 23A(3).

Placement of Infants for Local Adoption where Specific Consent is given

4. Where specific consent for the adoption of an infant is given to a person who is assessed by an accredited body as a suitable adoptive parent [new section 29(1)], the accredited body may proceed with placing the child with the person. This arrangement is reflected in new section 29A(1) and (3). If specific consent is given to a person who is assessed by the Director as a suitable adoptive parent [new section 29(1)], the Director may proceed with placing the child with the person. This arrangement is reflected in new section 29A(1) and (2).

5. Members may wish to note that as presently drafted, the accredited body or DSW may proceed directly with the placement provided that specific consent has been given to a person who is assessed to be suitable to become an adoptive parent. No other check is imposed in the process. It means that the wishes of the birth parent may in some cases prevail over the what objectively is the best interest of the child. We note that when we last consulted the NGOs on the role of accredited bodies, one NGO has particularly highlighted that specific consent should only be allowed in exceptional circumstances to avoid possible abuse of the system, e.g. pre matching. Without any check instilled in the process, we would be relying on the professionalism of accredited bodies to ensure that proper counseling is provided to birth parents before specific consent is given, and that accredited bodies would need to ensure that all specific consent are freely given, without pressure or material gain. Where problems are identified, DSW may intervene after the placement has started, or if there is malpractice on the part of an accredited body, DSW may intervene through suspension/ revocation/ termination of the accreditation. However, these measures are only “after the event” intervention when bonding between the child and the adoptive parent would have developed via placement. One therefore would need to

strike a balance between providing adequate checks in the system and the rights of birth parents in giving specific consent for the child to be adopted by a person.

Placement of infants for local adoption where general consent is given

6. For infants where general consent for adoption has been given, they would be placed in the general pool for matching to identify the most suitable adoptive parents. There may be more than one prospective adoptive parent, and all accredited bodies that have proposed prospective adopters for a particular child would become involved in the matching process [new section 29B(2) and 29B(3)]. The new section is wide enough to enable the involvement of independent persons to participate where appropriate. The Director would take a decision having due regard to the opinions provided by the accredited bodies. Where there are more than one prospective adoptive parent, routing the matching decision through the Director would provide an additional degree of quality assurance to the process.

7. Once a decision is taken that an applicant for local adoption would be a suitable adoptive parent for a particular infant, and the placement of the infant with the applicant would be in the best interest of the infant, the Director or the accredited body, as the case may be, may proceed with the placement.

Placement of infants for intercountry Adoptions

8. For intercountry adoptions, when the suitability of the adoptive parent is ascertained and that the placement is considered to be in the best interest of the child, the Director will make a placement decision and either the Director or an authorized accredited body may proceed with the placement (new section 29C).

Accreditation Principles

9. The revised accreditation principles are now set out in Schedule 4. These are modeled on Articles 10 and 11 of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (the Convention). We have followed the wording of the Convention and used the expression “competent authorities” in the accreditation principles. Such an expression which is commonly used in our statute would be wide enough to cover the competent authorities like the Inland Revenue Department, the Companies Registry or other competent authorities which may be involved in overseeing the different activities of the accredited bodies.

Health, Welfare and Food Bureau
May 2004

4. Interpretation

Section 2 is amended—

....

(d) in the definition of “parent”;

(i) by adding "、父或母" after "父母";

(ii) by repealing “illegitimate” and substituting “born out of wedlock”;

....

(ea) in the definition of "臨時命令", by repealing the full stop at the end and substituting a semicolon;

(f) by adding—

““accredited body” (獲認可機構) means a body of persons ~~approved~~ accredited as an accredited body, or the accreditation of which is renewed, under section 26;

"accreditation" (認可) means an accreditation granted or renewed under section 26;”.

8. Restrictions on making adoption orders

Section 5 is amended—

...

(i) by adding –

" (10) For the purposes of paragraph (b) of subsection (7), in the case of an adoption in relation to which section 27 applies, no notice under that paragraph may be lodged unless section 29A, 29B or 29C (as may be applicable) has been complied with in respect of the placement of the infant."

9. Section added

The following is added before section 5A—

“5AA. Applicant’s authorization for criminal record checking

If a person lodging a notice referred to in section 5(7)(b) is not an applicant under section 27(1) or (2), he shall in the notice include his authorization to the Commissioner of Police in like terms as those set out in section ~~27A(2)27(3)(a) and (b)~~, and all of the provisions of section 28 shall apply in relation to the person as if the authorization were ~~an application~~ submitted in accordance with section ~~27(3)27A(2)(b)~~.”.

9A. Freeing infant for adoption

~~Section 5A(4)(b) is repealed and the following substituted by—~~
~~“(b) the Director or an accredited body may place, subject to the provisions of this Ordinance, the infant for adoption; and”.~~

10. Revocation of section 5A order

Section 5B is amended—

- (a) in subsection (1)(b), by repealing “獲安置給某人領養” and substituting “為領養的目的而獲交託給某人”;
- (b) In subsection (2), ~~by repealing “安置幼年年人接受領養” and substituting “為領養的目的而將幼年年人交託”~~ by adding “and any accredited body” before “shall not place”;
- (c) in subsection (4), by repealing “for the welfare” and substituting “in the best interests”.

13. Functions of Court as to adoption orders

Section 8 is amended—

- (a) in subsection (1)—

- (i) in paragraph (a), by adding “(other than a ~~birth~~ parent referred to in section 5(1)(c) if the adoption order is applied for ~~under by virtue of~~ that section)” after “every person”;
 - (ii) in paragraph (b)—
 - (A) by repealing “for the welfare” and substituting “in the best interests”;
 - (B) by adding “and opinions” after “the wishes”;
 - (C) by repealing “and” at the end;
 - (iii) by adding—
 - “(ba) that section 5AA or ~~27A(2)27(3)~~ (as the case may be) has been complied with and that, taking into account the information obtained by the Director from the Commissioner of Police, the applicant is a fit and proper person to be granted the adoption order; and”;
- (b) in subsection (1A), by repealing “true” and substituting “original”.

27. Prohibition of certain payments

Section 22 is amended—

- (a) in subsection (1), by repealing everything after “of an infant” and substituting—
 - “, except—
 - (a) in consideration of the professional services of a qualified barrister or solicitor within the meaning of the Legal Practitioners Ordinance (Cap. 159);

(b) payment to an accredited body for its cost and expenses reasonably incurred in connection with the adoption or proposed adoption of an infant in an amount that is calculated in accordance with a schedule of fees approved by the Director from time to time in relation to the accredited body.”;

(b) in subsection (2), by repealing “of \$2,000” and substituting “at level 6”.

29. Sections added

The following are added—

“23A. Restriction on arranging adoption and placing of infant for adoption

(1) Subject to subsections (1A) and (1B), no person ~~Other~~ than =

(a) the Director; or

(b) an accredited body acting under and in accordance with its accreditation; or

(c) a person acting in pursuance of an order of the Court,

~~any person authorized by the Director for the purposes of this subsection, a person~~ shall ~~not~~ make arrangements for the adoption of an infant, or place an infant for adoption.;

(1A) Subsection (1) shall not apply if ~~unless~~ the prospective adopter, or (where ~~2 spouses are~~ the prospective adopters are 2 spouses) either of the prospective adopters, is =

- (a) a parent or relative of the infant; or
- (b) a person who is married to a parent of the infant.
~~the person is acting in pursuance of an order of the Court.~~

(1B) If an arrangement leads to the placement of an infant from a place that lies outside Hong Kong but within the People's Republic of China with a person resident in Hong Kong, then subsection (1) shall not apply to the arrangement nor the placement.

- (2) A person who—
 - ~~(a) takes part in the management or control of a body of persons (corporate or unincorporate) which—~~
 - ~~(i) exists wholly or partly for the purpose of making arrangements for the adoption of infants; and~~
 - ~~(ii) is not a person authorized by the Director for the purposes of subsection (1);~~
 - (ab) contravenes subsection (1); or
 - (be) receives an infant placed with him in contravention of subsection (1),

shall be guilty of an offence and shall be liable to a fine at level 6 and to imprisonment for 6 months.

~~— (3) In any proceedings for an offence under subsection (2)(a), proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in—~~

- ~~(a) the management or control of a body of persons (corporate or unincorporate); or~~
- ~~(b) making arrangements for the adoption of infants on behalf of the body,~~

~~shall be admissible as evidence of the purpose for which that body exists.~~

- (34) For the purposes of this section, a person shall be deemed

to make arrangements for the adoption of an infant if—

- (a) he enters into any agreement, or makes any arrangement, for ~~or for facilitating~~ the adoption of the infant by any other person, ~~whether~~ where the adoption is effected, or is intended to be effected, in Hong Kong or in a place outside the People's Republic of China ~~elsewhere~~;
- (b) he initiates or takes part in any negotiations ~~of which~~ the purpose or effect of which is the conclusion of any agreement, or the making of any arrangement, as referred to in paragraph (a); or
- (c) he causes another person to do an act specified in paragraph (a) or (b).

[*cf.* 1976 c.36 s.11 U.K.; 1976 c.36 s.72(3) U.K.]

23C. Restriction on removal of infant with a view to adoption

(1) Except under the authority of an order under section 23B, it shall not be lawful for any person to take or send an infant residing in Hong Kong to any place outside Hong Kong with a view to the adoption of the infant by any person not being a parent or relative of the infant.

(2) Any person who takes or sends an infant out of Hong Kong to any place in contravention of subsection (1), or makes or takes part in any arrangement for placing an infant with any person for the purpose of adoption as referred to in that subsection, shall be guilty of an offence and shall be liable to a fine at level 6 and to imprisonment for 6 months.

(2A) For the purposes of subsection (1), "relative" (親屬), in relation to an infant, means a grandparent, brother, sister, uncle or aunt of the full blood or of the half blood, but excluding, where the infant is born out of wedlock, the blood relations of his father.

(3) For the purpose of subsection (2), a person shall be deemed to take part in an arrangement for placing an infant with a person if—

- (a) he facilitates the placing of the infant with that person;
- (b) he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement for such placement; or
- (c) he causes another person to do an act specified in paragraph (a) or (b).”.

[c.f. 1976 c. 36 s. 56 U.K.]

30. ~~Part heading added~~ Adoption to be effected under the Ordinance

~~The following is added immediately before section 25—“PART 7 MISCELLANEOUS”.~~ Section 25 is re-numbered as [section 33].

31. Sections added

The following are added –

“PART 7

ACCREDITED BODIES, SUITABILITY ASSESSMENT OF
PROSPECTIVE ADOPTERS, AND PLACEMENT, ETC

25. Interpretation of Part 7

(1) In this Part, unless the context otherwise requires –

"adoption of overseas children" (海外兒童領養) means an adoption within the meaning of paragraph (a) of the definition of "non-Convention adoption";

"Convention adoption" (公約領養) has the meaning assigned to it by paragraph (a) of the definition of the expression in section 20A(1);

"local adoption" (本地領養) means the adoption of an infant resident in Hong Kong by a person resident in Hong Kong;

"non-Convention adoption" (非公約領養) means –

- (a) the adoption of an infant resident in a place outside the People's Republic of China by a person resident in Hong Kong, other than a Convention adoption;
or
- (b) the adoption of an infant resident in Hong Kong by a person resident in a place outside the People's Republic of China, other than a Convention adoption.

“26. Accredited bodies

(1) The Director may, in accordance with the principles set out in Schedule 4, ~~approve~~ accredit, or renew the accreditation, of a body of persons (corporate or unincorporate) as an accredited body in relation to -

- (a) Convention adoption;
- (b) non-Convention adoption; or
- (c) local adoption.

~~in accordance with the principles set out in Articles 10 and 11 of the Convention.~~

(2) An accreditation may be subject to such conditions as the

Director may reasonably impose.

(3) The Director may, at any time by notice in writing served on the accredited body, amend or revoke any such condition, or impose new conditions, as may be reasonable in the circumstances.

(4) The Director may, at any time by notice in writing served on an accredited body, revoke or suspend its accreditation if -

(a) in his opinion, the accredited body is operated in a manner that is inconsistent with the principles set out in Schedule 4; or

(b) any condition of the accreditation has not been or is not being complied with by the accredited body.

(5) An accredited body may, while acting under and in accordance with its accreditation and subject to the provisions of this Ordinance, make arrangements for the adoption of infants or place infants for adoption.

~~(2) Without prejudice to the operation of section 20E(4), an accredited body may, subject to the prior authorization of the Director, make arrangements for —~~

~~(a) the adoption in a place outside Hong Kong of an infant residing in Hong Kong, and in so acting pursuant to the prior authorization, the accredited body shall be regarded as a person authorized by the Director for the purposes of sections 23A(1) and 23B(1);~~

~~(b) the adoption in Hong Kong of an infant residing out of Hong Kong, or place such an infant for such an adoption, and in so acting pursuant to the prior authorization, the accredited body shall be regarded as a person authorized by the Director for the purposes of section 23A(1),~~

~~whether the adoption is a Convention adoption (as defined in section 20A(1)) or otherwise.~~

26A Register of accredited bodies

(1) ~~The Director shall cause to be kept, in such form as he may specify, a register of accredited bodies containing-~~

~~(a) the name and address of every accredited body; and~~

~~(b) such other particulars as the Director thinks fit.~~

(2) ~~The Director shall make such amendment to the register as may be necessary for the purpose of maintaining the accuracy of the register.~~

(3) ~~The register may be inspected at the office of the Director during office hours by any member of the public.~~

(4) ~~A certificate purporting to be signed by or for the Director that a body of persons is or is not an accredited body shall be evidence of the facts stated in the certificate until the contrary is proved.~~

(5) ~~A copy of an entry in the register kept under subsection (1) purporting to be certified under the hand of the Director shall, until the contrary is proved, be admitted in evidence as proof of the facts stated in the certificate as at the date of such certified copy.~~

27. ~~Application~~ Duty to apply for assessment of suitability to be an adoptive parent

(1) ~~Subject to subsection (2), a person resident in Hong Kong who intends to adopt any infant, other than a person who is –~~

~~(a) a parent or relative of the infant; or~~

~~(b) married to a parent of the infant,~~

~~may shall apply in accordance with section 27A(1) and (2) to the Director for assessment of his suitability to be an adoptive parent of any infant of whom he is neither a parent nor a relative.~~

(2) ~~Where~~ ~~A~~ a person habitually resident in Hong Kong who intends to make an application for Convention adoption under Article 14 of the Convention in accordance with section 20E(2), the person shall apply in accordance with section 27A(1) and (2) to the Director for assessment of his suitability to be an adoptive parent ~~of any infant who habitually resides in a Contracting State described in that section.~~

27A. Application for suitability assessment and authorization for checking criminal record, etc.

(1) An application under section 27 shall be made in a form specified by the Director and submitted –

- (a) in the case of local adoption, to the Director or an accredited body accredited for that purpose;
- (b) in the case of adoption of overseas children or Convention adoption, to the Director or an accredited body authorized by the Director in that behalf.

~~(2)~~ ~~An~~ ~~The~~ application ~~under subsection (1) or (2)~~ shall be ~~made in writing~~ submitted together with—

- (a) such information as the Director or the accredited body (as the case may be) may reasonably require; and
- (b) a written authorization notice from the applicant to the Commissioner of Police authorizing the Commissioner of Police—
 - (i) to inform the Director whether or not the applicant has at any time been convicted of any offence in Hong Kong or elsewhere; and
 - (ii) if the applicant has a previous conviction, to

release to the Director the particulars of the conviction.

~~(3) On receiving an authorization submitted under subsection (2), the accredited body shall forthwith pass the authorization to the Director for him to proceed in accordance with section 28.~~

(44) The Director ~~or the accredited body (as the case may be)~~ may refuse to consider an application in respect of which subsections ~~(13) and (2) is-are~~ not complied with.

~~(5) On receipt of an application for an assessment under subsection (1) or (2), the Director may—~~

~~(a) designate an accredited body to collect such information as the Director may reasonably require to enable him to make the assessment;~~

~~(b) in making his assessment, take into account any recommendation made by that body on the basis of such information.~~

28. Duty to proceed with criminal record checking, and etc.

(1) On receipt of ~~an authorization under section 27A(2)(b), an application submitted to him in accordance with section 27(3),~~ the Director shall make inquiries with the Commissioner of Police to ascertain whether or not the applicant has been convicted of any offence in Hong Kong or elsewhere.

(2) For the purposes of subsection (1), the Director may require the applicant to –

(a) attend before a public officer authorized by the Commissioner of Police for the purpose of subsection (3); and

(b) allow that officer to take and record his fingerprints.

(3) For the purpose of verifying whether or not the applicant has been convicted of an offence in Hong Kong or elsewhere, a public

officer authorized by the Commissioner of Police for the purpose of this subsection may take and record the fingerprint impressions of the applicant for checking against police records, but any fingerprints obtained pursuant to this subsection shall be destroyed as soon as reasonably practicable after the record checking has been conducted.

(4) The Director may, for a purpose connected with a person's proposed adoption of an infant, release ~~to such person as the Director may consider appropriate~~ any information on the person that the Director has obtained ~~from the Commissioner of Police~~ pursuant to section 27 A(2)(b)(3): to –

- (a) the Government, or a government in a place outside the People's Republic of China;
- (b) an accredited body, or a person duly authorized (howsoever described) by a competent authority in a place outside the People's Republic of China to make or participate in making arrangements for adoption of infants;
- (c) any court having jurisdiction to make the adoption order;
- (d) any other person who, in the opinion of the Director, reasonably requires the information to facilitate the process of the proposed adoption; or
- (e) the Administrative Appeals Board.

29. Director's Suitability assessment
~~; prospective adoptive parent and placement~~

(1) After considering an application made under ~~section 27(1) or (2)~~ section 27A(1)(a) for local adoption, the Director or (if the application is submitted to an accredited body) the accredited body may decide that the applicant is suitable, or is not suitable, ~~(as the case may be)~~ to be an adoptive parent.

(2) After considering an application made under section 27A(1)(b) for adoption of overseas children or Convention adoption, the Director may decide that the applicant is suitable, or is not suitable, to be an adoptive parent.

(3) In relation to an application made under section 27A(1)(b) for adoption of overseas children or Convention adoption, the Director may -

- (a) designate an accredited body to collect such information as the Director may reasonably require to enable him to make the assessment;
- (b) in making his assessment, take into account any recommendation made by that body on the basis of such information.

29A. Placement of infants for local adoption where specific consent is given

(1) This section applies to local adoption where consent for the adoption of an infant is given in the prescribed specific form of consent.

(2) If a person is named in the consent as the prospective adopter for the infant, then the Director, as and when it has assessed (on the person's application) the person to be a suitable adoptive parent under section 29(1), may place the infant with the person.

(3) If a person is named in the consent as the prospective adopter for the infant, then an accredited body, as and when it has assessed (on the person's application) the person to be a suitable adoptive parent under section 29(1), may place the infant with the person.

29B. Placement of infants for local adoption where general consent is given

(1) This section applies to local adoption where consent for the adoption of an infant is given in the prescribed general form of consent.

(2) As and when the Director decides, having due regard to any opinion given to him pursuant to subsection (3), that –

(a) an applicant assessed to be a suitable adoptive parent for local adoption under section 29(1) would be a suitable adoptive parent for a particular infant; and

(b) the placement of the infant with the applicant would be in the best interests of the infant,

the Director, or (if the application was made with an accredited body) the accredited body, may proceed with the placement.

(3) Before the Director makes a decision under subsection (2), he shall seek the opinion of each and every accredited body that has proposed any prospective adopter for that particular child and such other persons as the Director may consider appropriate.

29C. Placement of infants for adoptions other than local adoption

(1) This section applies to adoption of overseas children and Convention adoption.

(2) As and when ~~If~~ the Director decides that –

(a) an applicant assessed to be a suitable adoptive parent for adoption of overseas children or Convention adoption under section 29(2) would be a suitable adoptive parent for a particular infant; and ~~is suitable to be an adoptive parent,~~

(b) the placement of the infant with the applicant

would be in the best interests of the infant,
~~he~~the Director may, ~~as and when the Director is of the opinion that the~~
~~placement of a particular infant with the applicant would be in the best~~
~~interests of that infant,~~ proceed with the placement or authorize an
accredited body to proceed with the placement.

29D. Termination of placement

(1) ~~Subject to section 6(4), where an infant has been placed~~
~~with the applicant pursuant to subsection (2) and, If~~ at any time after the
Director has placed an infant or authorized an accredited body to place
an infant with a prospective adopter, the placement, the Director opines
~~is of the opinion that the continued to continue the~~ placement ~~of the~~
~~infant with the applicant~~ would not be in the infant's best interests, then
the Director may terminate the placement or direct the accredited body
to terminate the placement.

(2) If at any time after an accredited body has placed an infant
with a prospective adopter for local adoption, pursuant to section 29A(3)
or 29B(2), the accredited body opines that to continue the placement
would not be in the infant's best interests, then the accredited body may
terminate the placement.

PART 8

MISCELLANEOUS

29E. Review of decisions of accredited bodies

(1) If a person is aggrieved by an accredited body's decision –
(a) on the assessment of that person's suitability to be
an adoptive parent; or
(b) to terminate a placement,
the person may, within (in the case of paragraph (a)) 28 days or (in the

case of paragraph (b)) 7 clear days of receiving notice of the decision, lodge with the Director a written notice requesting the Director to review the decision.

(2) In any such review, the Director may confirm, vary or reverse the decision under review.

(3) A decision referred to in subsection (1) shall have immediate effect, or have effect from a date specified in the decision (if applicable), notwithstanding any review against the decision.

30. Appeals

(1) If a person is aggrieved by the Director's decision—

- (a) on the assessment of that person's suitability to be an adoptive parent;
- (b) to terminate a placement;
- (c) on the person's application to become or continue to be an accredited body; or
- (d) to suspend or revoke ~~his accreditation~~ ~~the person's status as an accredited body~~,

the person may, within (in the case of paragraph (b)) 7 clear days or (in other cases) 28 days of receiving notice of the decision, lodge a notice of appeal with ~~to~~ the Administrative Appeals Board to appeal against the decision.”.

(2) A decision referred to in subsection (1) shall have immediate effect, or have effect from a date specified in the decision (if applicable), notwithstanding any appeal against the decision.

31. Cessation of accreditation

(1) If an accreditation expires without having been renewed,

or is revoked or suspended, the Director may, in relation to an adoption case handled by the accredited body concerned ("the defunct accredited body") under its accreditation –

- (a) take over the adoption case; or
- (b) designate any other accredited body to take over the adoption case.

(2) The Director or an accredited body so designated (as the case may be) may exercise any function that the defunct accredited body would be entitled to exercise under this Ordinance in relation to the adoption case but for the expiration, revocation or suspension.

32. Regulation

The Secretary for Health, Welfare and Food may make regulations –

- (a) to provide for the procedure to be followed, and the requirements to be observed, in relation to –
 - (i) assessment and approval of any person as suitable prospective adoptive parent;
 - (ii) placement of infants for the purpose of adoption;
- (b) in respect of the exercise by accredited bodies of their functions of making or participating in arrangements for the adoption of infants; and
- (c) to provide for incidental and connected matters.

32. Schedule substituted

SCHEDULE 3

[s. 20B]

RELEVANT PROVISIONS OF CONVENTION ON PROTECTION OF
CHILDREN AND CO-OPERATION IN RESPECT OF
INTERCOUNTRY ADOPTION

(Done at the Hague on 29 May 1993)

....

~~Article 10~~

~~— Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.~~

~~Article 11~~

~~— An accredited body shall —~~

- ~~(a) — pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;~~
- ~~(b) — be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and~~
- ~~(c) — be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.~~

Schedule 4 [s. 26]

Accreditation principles

1. Accreditation shall only be granted to and maintained by a body of persons (corporate or unincorporate) that demonstrates its competence to carry out properly the tasks with which it may be entrusted.
2. An accredited body shall –
 - (a) pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities;
 - (b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of adoption in relation to which the accreditation is granted or renewed; and
 - (c) be subject to supervision by the competent authorities as to its composition, operation and financial situation.