
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Looked After Children (Scotland) Regulations 2009 and come into force on 28th September 2009.

Interpretation

2. In these Regulations—

“the 1995 Act” means the Children (Scotland) Act 1995;

[^{F1}“the 2011 Act” means the Children’s Hearings (Scotland) Act 2011;]

“the Arrangements to Look After Children Regulations” means the Arrangements to Look After Children (Scotland) Regulations 1996 ^{M1};

[^{F1}“child protection order” means an order mentioned in section 37 of the 2011 Act;]

[^{F1}“compulsory supervision order” has the meaning given by section 83 of the 2011 Act;]

[^{F1}“contact direction”—

(a) in relation to a child protection order, has the meaning given by section 41(3) of the 2011 Act;

(b) in relation to a compulsory supervision order, interim compulsory supervision order or medical examination order, means a measure contained within such an order of the type mentioned in section 83(2)(g) or 87(2)(e) of that Act;]

[^{F1}“exclusion order” has the meaning given by section 76(12) of the 1995 Act;]

“foster carer” means a person approved as a foster carer in accordance with a decision made under regulation 22(3), 23 or 26(8);

“the Fostering Regulations” means the Fostering of Children (Scotland) Regulations 1996 ^{M2};

“Health Board” means a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 ^{M3};

[^{F1}“interim compulsory supervision order” has the meaning given by section 86 of the 2011 Act;]

“kinship carer” means a person approved as a kinship carer in accordance with a decision made under regulation 10;

[^{F1}“medical examination order” has the meaning given by section 87 of the 2011 Act;]

“parent” means either the mother or father of the child or both;

“registered fostering service” means a person other than a local authority whose functions consist of or include the making of arrangements for or in connection with the performance of functions assigned to a local authority—

- (a) under section 26(1)(a) of the 1995 Act; or
- (b) by virtue of section 5(2) to (4) of the Social Work (Scotland) Act 1968 ^{M4},

and who is registered under ^{F2}Part 5 of the Public Services Reform (Scotland) Act 2010]; and

^{F3}“relevant person” has the meaning given by section 200 of the 2011 Act and includes a person deemed to be a relevant person by virtue of section 81(3), 160(4)(b) or 164(6) of that Act; ^{F4} ...]

^{F5}“sibling of the child” means—

- (a) a person who has at least one parent in common with the child, and
- (b) any other person with whom the child has lived or is living, and with whom the child has an ongoing relationship with the character of a relationship between siblings;]

^{F1}“warrant to secure attendance” has the meaning given by section 88 of the 2011 Act;]

Textual Amendments

- F1** Words in reg. 2 inserted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2013 \(S.S.I. 2013/147\)](#), art. 1, **sch. para. 11(2)(a)**; S.S.I. 2013/195, **arts. 2, 3**
- F2** Words in reg. 2 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 42**
- F3** Words in reg. 2 substituted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2013 \(S.S.I. 2013/147\)](#), art. 1, **sch. para. 11(2)(b)**; S.S.I. 2013/195, **arts. 2, 3**
- F4** Word in reg. 2 omitted (26.7.2021) by virtue of [The Looked After Children \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/103\)](#), regs. 1(3), **3(2)**
- F5** Words in reg. 2 inserted (26.7.2021) by [The Looked After Children \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/103\)](#), regs. 1(3), **3(2)**

Marginal Citations

- M1** [S.I. 1996/3262](#).
- M2** [S.I. 1996/3263](#).
- M3** [1978 c. 29](#). Section 2 was amended by the Health and Social Services and Social Security Adjudications Act 1983 c. 41, [section 14\(2\)](#), [Schedule 7, paragraph 1](#), the National Health Service and Community Care Act 1990 c. 19, [sections 28](#) and 66(1), the National Health Service Reform (Scotland) Act 2004 asp 7, [schedule 1, paragraph 1\(2\)](#) and the Smoking, Health and Social Care (Scotland) Act 2005 asp 13, [section 42\(1\)](#), and schedule 2, paragraph 2.
- M4** Section 4 of the Social Work (Scotland) Act 1968 allows local authorities to make arrangements with a voluntary organisation or other person to assist with the performance of a function which is assigned to the local authority under that Act or Part II of the 1995 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, PART I.