

## SCOTTISH STATUTORY INSTRUMENTS

# 2009 No. 210

## The Looked After Children (Scotland) Regulations 2009

### PART X

#### EMERGENCY MEASURES

##### Notification of an extended emergency placement

**40.**—(1) Where a local authority allow an emergency placement to continue for a further period in accordance with regulation 39 they must, as soon as reasonably practicable, provide notification of the placement to—

- (a) the local authority for the area in which the carer resides if different from the authority making the placement;
- (b) the Health Board which provides services in the area in which the carer resides;
- (c) each parent of the child; and
- (d) any person with any parental responsibilities or parental rights in relation to the child.

[<sup>F1</sup>(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—

- (a) the Principal Reporter; and
- (b) the child's relevant person.]

(2) Notification under [<sup>F2</sup>paragraphs (1)(c) and (d) and (1A)] must not be given to a person—

- (a) where the local authority are of the view that, taking into account their duties under section 17 of the 1995 Act, it would not be in the child's interests for notification to be given to that particular person;
- (b) where a permanence order, [<sup>F3</sup>an exclusion order or any order or warrant made by the children's hearing or the sheriff under the 2011 Act] specifies that the place at which the child is to reside must not be disclosed to that particular person.

(3) In this regulation “notification” means notification in writing and shall include particulars of the placement.

##### Textual Amendments

- F1** Reg. 40(1A) 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(15)(a)**; S.S.I. 2013/195, **arts. 2, 3**
- F2** Words in reg. 40(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(15)(b)**; S.S.I. 2013/195, **arts. 2, 3**

---

**Changes to legislation:** *There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, Section 40. (See end of Document for details)*

---

**F3** Words in reg. 40(2)(b) 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(15)(c)**; S.S.I. 2013/195, **arts. 2, 3**

**Changes to legislation:**

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, Section 40.