

2011 No. 320

CHILDREN AND YOUNG PERSONS

**The Curators ad Litem and Reporting Officers (Panels) and the
Panels of Persons to Safeguard the Interests of Children
(Scotland) Amendment Regulations 2011**

Made - - - - *6th September 2011*
Laid before the Scottish Parliament *8th September 2011*
Coming into force - - *3rd November 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 101 and 103(3) of the Children (Scotland) Act 1995(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Curators ad Litem and Reporting Officers (Panels) and the Panels of Persons to Safeguard the Interests of Children (Scotland) Amendment Regulations 2011 and come into force on 3rd November 2011.

Amendment of the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001

2.—(1) The Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001(b) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) in the definition of “adoption agency” for “an approved adoption society within the meaning of the 1978 Act” substitute “a registered adoption service within the meaning of the 2007 Act”;

(b) for the definition of “court” substitute—

““court” means an appropriate court as defined in section 118 of the 2007 Act;” and

(c) in the appropriate place insert—

““the 2007 Act” means the Adoption and Children (Scotland) Act 2007;”.

(3) In regulation 3(1) (establishment of panels)—

(a) omit “continued”; and

(a) 1995 c.36, section 101 has been amended by the Regulation of Care (Scotland) Act 2001 (asp 8), section 75(a) and by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 9(9). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2001/477.

- (b) for “section 87(4) of the 1995 Act and section 58 of the Adoption (Scotland) Act 1978” substitute “section 108 of the 2007 Act”.
- (4) In regulation 4(4) (appointment to panel) and regulation 6(2)(a) (nominations) for “section 58 of the 1978 Act or the 1995 Act” substitute “section 108 of the 2007 Act”.
- (5) In regulation 7(3)(b) (term of appointment) after “1978 Act” insert “or section 108 of the 2007 Act”.
- (6) In regulation 10 (expenses, fees and allowances)—
 - (a) after paragraph (1) insert—
 - “(1A) The local authority shall defray the expenses incurred by a member of a panel established for their area and shall pay to that member such fees and allowances as the local authority think fit in the case of an application for—
 - (a) an adoption order (within the meaning of section 28 of the 2007 Act);
 - (b) an order under section 59 of that Act;
 - (c) a permanence order (within the meaning of section 80 of that Act);
 - (d) variation of a permanence order under section 92 of that Act;
 - (e) amendment of a permanence order under section 93 of that Act; or
 - (f) revocation of a permanence order under section 98 of that Act.”; and
 - (b) in paragraph (2) for “the 1995 Act or the Children’s Hearings (Legal Representation) (Scotland) Rules 2001” substitute “the Children’s Hearings (Legal Representation) (Scotland) Rules 2002(a)”.

Transitional provision

3. Any panel continued or established by a local authority under regulation 3 of the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 prior to the coming into force of these Regulations continues after that date as if it was established by the local authority under regulation 3 of those Regulations as amended by these Regulations.

Amendment of the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001

4. In regulation 10(2) (Expenses, fees and allowances) of the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001(b) for “Children’s Hearings (Legal Representation) (Scotland) Rules 2001” substitute “the Children’s Hearings (Legal Representation) (Scotland) Rules 2002”.

ANGELA CONSTANCE
 Authorised to sign by the Scottish Ministers

St Andrew’s House,
 Edinburgh
 6th September 2011

(a) S.S.I. 2002/63 amended by S.S.I. 2009/211.
 (b) S.S.I. 2001/476.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 (“the Curators ad Litem and Reporting Officers Regulations”) in consequence of the changes made to section 101 of the Children (Scotland) Act 1995 by the Adoption and Children (Scotland) Act 2007 which repealed and replaced the Adoption (Scotland) Act 1978.

In addition, these Regulations make minor amendments to the Curators ad Litem and Reporting Officers Regulations and to the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001 to replace cross references to the Children’s Hearings (Legal Representation) (Scotland) Rules 2001 with references to the Children’s Hearings (Legal Representation) (Scotland) Rules 2002 which revoked and replaced the 2001 Rules.

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