



Social Work (Scotland) Act 1968

1968 CHAPTER 49

[^{F1}PART III S

CHILDREN IN NEED OF COMPULSORY MEASURES OF CARE]

[^{F1F2}34A Safeguarding of interests of children before children's hearings etc. S

- (1) In any proceedings—
- (a) before a children's hearing;
 - (b) before the sheriff on an application under section 42(2)(c) of this Act;
 - (c) before the sheriff on an appeal under section 49 or 51 of this Act,
- the chairman (in the case of proceedings referred to in paragraph (a) above) or the sheriff (in any other case)—
- (i) shall consider whether it is necessary for the purpose of safeguarding the interests of the child in the proceedings, because there is or may be a conflict, on any matter relevant to the proceedings, between the interests of the child and those of his parent, to appoint a person to act for that purpose; and
 - (ii) without prejudice to any existing power to appoint a person to represent the interests of the child, may, if he thinks fit, appoint a person to act for the purpose specified in paragraph (i) above.
- (2) The power to make rules under—
- (a) section 35(4) of this Act,
 - (b) section 32 of the ^{M1}Sheriff Courts (Scotland) Act 1971,
- shall include power to make rules providing for—
- (i) the procedure in relation to the disposal of matters arising under this section;
 - (ii) appointment under subsection (1) of this section, the functions of a person so appointed and any right of such a person to information relating to the proceedings in question.
- (3) The expenses of a person appointed under subsection (1) of this section shall—
- (a) in so far as reasonably incurred by him in safeguarding the interests of the child in the proceedings, and

Status: Point in time view as at 12/12/1996. This version of this provision has been superseded.

Changes to legislation: Social Work (Scotland) Act 1968, Section 34A is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) except in so far as otherwise defrayed in terms of regulations made under section 103(2) of the ^{M2}Children Act 1975,
 be borne by the local authority for whose area the children’s panel from which the relevant children’s hearing has been constituted is formed.
- (4) For the purposes of subsection (3) of this section, “relevant children’s hearing” means—
- (a) in the case of proceedings referred to in subsection (1)(a) of this section, the children’s hearing;
 - (b) in the case of proceedings referred to in subsection (1)(b) of this section, the children’s hearing who have directed the application;
 - (c) in the case of proceedings referred to in subsection (1)(c) of this section, the children’s hearing whose decision is being appealed against.]

Textual Amendments

- F1** S. 34A inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **ss. 66, 108(2)**
- F2** [Pt. III \(ss. 30-58G except s. 31\(1\)\(3\) and Sch. 2 amendments provided for in s. 31\(3\)\)](#) ceased to have effect (12.12.1996 for certain purposes and otherwise *prosp.*) by [1995 c. 36, s. 105\(4\)\(5\)](#), **Sch. 4 para. 15(14)** (with [s. 103\(1\)](#)); [S.I. 1996/3201](#), **art. 3(6)**

Marginal Citations

- M1** [1971 c. 58.](#)
- M2** [1975 c. 72.](#)

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