



# Foster Children Act 1980

## 1980 CHAPTER 6

### *Proceedings*

#### **11 Appeal to juvenile court against requirement or prohibition imposed under s. 9 or 10**

- (1) A person aggrieved by a requirement imposed under section 9 above or by a prohibition imposed under section 10 above may appeal to a juvenile court—
- (a) within 14 days from the date on which he is notified of the requirement or prohibition ; or
  - (b) in the case of a prohibition imposed under section 10(2) above, within 14 days from the refusal by the local authority to accede to an application by him for the cancellation of the prohibition;

and where the appeal is against a requirement imposed under section 9, the requirement shall not have effect while the appeal is pending.

- (2) Where the court allows an appeal under subsection (1) above, the court, instead of cancelling the requirement or prohibition—
- (a) may vary the requirement, or allow more time for compliance with it; or
  - (b) if an absolute prohibition has been imposed, may substitute for it a prohibition on using the premises after such time as the court may specify unless such specified requirements as the local authority had power to impose under section 9 above are complied with.
- (3) Any requirement or prohibition specified or substituted under this section by the court shall be deemed for the purposes of this Act, other than this section, to have been imposed by the local authority under section 9 or (as the case may be) section 10 above.

#### **12 Removal of foster children kept in unsuitable surroundings**

- (1) If a juvenile court is satisfied, on the complaint of a local authority, that a foster child is being kept or is about to be received—
- (a) by any person who is unfit to have his care, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) in contravention of section 7 above or of any prohibition imposed by a local authority under section 10 above, or
- (c) in any premises or any environment detrimental or likely to be detrimental to him,

the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him.

- (2) On proof that there is imminent danger to the health or well-being of the child, the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit foster children.
- (3) An order under this section made on the ground that a prohibition of a local authority under section 10 above has been contravened may require the removal from the premises of all the foster children kept there.
- (4) An order under this section may be executed by any person authorised to visit foster children or by any constable.
- (5) A local authority may receive into their care under section 2 of the Child Care Act 1980 any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section 2 and notwithstanding that he may appear to the local authority to be over the age of 17.
- (6) Where a child is removed under this section, the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

### **13 Search warrants**

- (1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
  - (a) that there is reasonable cause to believe that a foster child is being kept in any premises or in any part of any premises, and
  - (b) that admission to those premises or that part has been refused to a duly authorised officer of the local authority or that such a refusal is apprehended or that the occupier is temporarily absent,

the justice may by warrant under his hand authorise an officer of the local authority to enter the premises, if need be by force, at any reasonable time within 48 hours of the issue of the warrant, for the purpose of inspecting the premises.

- (2) Without prejudice to the provisions of subsection (1) above, a refusal to allow the visiting of a foster child or the inspection of any premises by a person authorised to do so under this Act shall be treated, for the purposes of section 40 of the Children and Young Persons Act 1933 (under which a warrant authorising the search for and removal of a child may be issued on suspicion of unnecessary suffering caused to, or certain offences committed against, the child), as giving reasonable cause for such suspicion.

### **14 Sittings of juvenile courts, and appeals to Crown Court**

- (1) Section 47(2) of the Children and Young Persons Act 1933 (which restricts the time and place at which a sitting of a juvenile court may be held and the persons who may

be present at such a sitting) shall not apply to any sitting of a juvenile court in any proceedings under section 11 or 12 above.

- (2) An appeal shall lie to the Crown Court from any order made under section 11 or 12 above by a juvenile court or a justice of the peace.