



Foster Children (Scotland) Act 1984

1984 CHAPTER 56

Disqualification for fostering

7 Persons disqualified from keeping foster children.

- (1) A person shall not maintain a foster child if—
- (a) an order removing a child from his care has been made against him under this Act or any Act repealed by this Act or under section 12 of the ^{M1}Foster Children Act 1980;
 - (b) an order has been made under the ^{M2}Children and Young Persons Act 1933, the ^{M3}Children and Young Persons Act 1969, or the ^{M4}Children and Young Persons (Scotland) Act 1937, or a supervision requirement has been made under the ^{M5}Social Work (Scotland) Act 1968 [^{F1}or under section 70 of the Children (Scotland) Act 1995] and by virtue of the order or requirement a child was removed from his care;
 - (c) he has been convicted of any offence specified in Schedule 1 to the said Act of 1933 or Schedule 1 to the [^{F2}Criminal Procedure (Scotland) Act 1995], or has been placed on probation or discharged absolutely or conditionally for any such offence;
 - (d) his rights and powers with respect to a child have been vested in a local authority under section 2 of the ^{M6}Children Act ^{M7}1948 or under section 16 of the Social Work (Scotland) Act 1968 or in a local authority in England or Wales under the said section 2 or section 3 of the ^{M8}Child Care Act 1980;
 - [^{F3}(dd) his parental rights and parental responsibilities (within the meaning of the Children (Scotland) Act 1995) have been transferred, by an order under section 86(1) of that Act, to a local authority;]
 - (e) an order under section 1(3) or (4) of the ^{M9}Nurseries and Child-Minders Regulation Act 1948 has been made against him refusing, or an order has been made under section 5 of that Act cancelling, the registration of any premises occupied by him or his registration; ^{F4} . . .
 - (f) an order has been made under section 43 of the ^{M10}Adoption Act ^{M11}1958, section 34 of the Adoption Act 1976 or section 34 of the ^{M12}Adoption

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Foster Children (Scotland) Act 1984, Cross Heading: Disqualification for fostering. (See end of Document for details)

(Scotland) Act 1978 for the removal of a protected child who was being kept or was about to be received by him, ^{F5}or

(g) he is disqualified from fostering a child privately (within the meaning of the Children Act 1989) by regulations made under section 68 of that Act,]

unless he has disclosed that fact to the local authority and obtained their written consent.

(2) Where subsection (1) applies to any person, otherwise than by virtue of this subsection, it shall apply also to any other person who lives in the same premises as he does or who lives in premises at which he is employed.

Textual Amendments

- F1** Words in s. 7(1)(b) inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(4)(a)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)
- F2** Words in s. 7(1)(c) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 53(1)(2)**
- F3** S. 7(1)(dd) inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(4)(b)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)
- F4** Word in s. 7(1)(e) repealed (14.10.1991.) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6)(7), Sch. 12 para. 43(a), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F5** Word “or” and s. 7(1)(g) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 43(b), **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1980 c. 6.
- M2** 1933 c. 12.
- M3** 1969 c. 54.
- M4** 1937 c. 37.
- M5** 1968 c. 49.
- M6** 1948 c. 43.
- M7** 1968 c. 49.
- M8** 1980 c. 5.
- M9** 1948 c. 53.
- M10** 1958 c. 5.
- M11** 1976 c. 36.
- M12** 1978 c. 28.

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Changes to legislation:

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