



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 3

### MISCELLANEOUS

#### *Care allowances: regulations*

#### **110 Allowances for care of certain children: regulations**

- (1) The Scottish Ministers may by regulations make provision about payments by a local authority in respect of a child who falls within subsection (2).
- (2) A child falls within this subsection if—
  - (a) the child is placed by the authority under section 26(1)(a) of the 1995 Act,
  - (b) the child is required by virtue of section 70(3)(a) of that Act to reside with a person other than a parent of the child, or
  - (c) were the child not residing with a relative, the authority would be required by section 25(1) of that Act to provide accommodation for the child.
- (3) Regulations under subsection (1) may in particular include provision for or in connection with—
  - (a) specifying descriptions of person to whom payments may be made,
  - (b) specifying circumstances in which payments may be made,
  - (c) specifying rates of payment to be payable in such circumstances as may be specified in the regulations,
  - (d) where a rate is so specified—
    - (i) requiring local authorities to pay at least that rate in the circumstances so specified,
    - (ii) recommending that local authorities pay at least that rate (“the recommended rate”) in the circumstances so specified,
  - (e) where a recommended rate is payable, requiring local authorities which pay less than that rate to publish, in such manner as may be so specified, their reasons for doing so.

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*Status: Point in time view as at 28/09/2009.*

*Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Care allowances: regulations is up to date with all changes known to be in force on or before 10 April 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)*

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- (4) A child does not cease to fall within paragraph (a) of subsection (2) by reason only of the making of a permanence order vesting parental responsibilities in a person who is a member of the family with whom the child was placed.
- (5) A child does not fall within paragraph (c) of subsection (2) if the relative is a guardian of the child.
- (6) It is immaterial for the purposes of paragraph (c) of subsection (2) whether the relative has any parental rights or parental responsibilities in relation to the child.

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**Commencement Information**

- II** S. 110 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

**Status:**

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**Changes to legislation:**

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