



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.

Status: Point in time view as at 28/09/2009. This version of this provision has been superseded.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 110 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)

- (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.

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)

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