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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 210**

**The Looked After Children (Scotland) Regulations 2009**

**PART XIV**

**TRANSITIONAL AND SAVINGS PROVISION**

**Cases in progress under the Arrangements to Look After Children Regulations or the Fostering Regulations**

**50.**—(1) Any action or decision under a provision of the Arrangements to Look After Children Regulations or the Fostering Regulations will, on or after 28th September 2009, be treated as if it were an action or decision under the corresponding provision of these Regulations.

(2) Where, before 28th September 2009, a fostering panel has considered whether a person is suitable or continues to be suitable to be a foster carer and no decision on that question has been made by the local authority before 28th September 2009, the Fostering Regulations continue to apply for the purposes of making that decision.

(3) Where a local authority makes a decision under the Fostering Regulations (whether before 28th September 2009 or, by virtue of paragraph (2), on or after that day) that a person is suitable to become a foster carer—

- (a) the Fostering Regulations continue to apply for the purposes of placing the child with that foster carer; and
- (b) any such placement will be deemed to have been made under regulation 27 of these Regulations.

(4) Where, before 28th September 2009, a child has been placed under regulation 12 of the Fostering Regulations that child will be treated as if they had been placed with a foster carer in accordance with regulation 27 of these Regulations regardless of whether or not that foster carer was, at the time of the placement, known to or related to the child.

(5) Where, before 28th September 2009, a child has been placed in an emergency in accordance with regulation 13 of the Fostering Regulations that placement will continue to have effect until the expiry of the period mentioned in regulation 13(1) of those Regulations.

(6) Where, before 28th September 2009, a child has been placed in an immediate placement in accordance with regulation 14 of the Fostering Regulations that placement will continue to have effect until the expiry of the period mentioned in regulation 14(1) of those Regulations.

**Fostering allowances**

**51.** Where a person was receiving, before their revocation, an allowance under regulation 9 of the Fostering Regulations that person may continue to receive payments so made which, had there been no revocation, would have fallen to that person, or that person may agree to receive, instead of the continued payments, payments in accordance with regulation 33 of these Regulations.