



# Foster Children (Scotland) Act 1984

## 1984 CHAPTER 56

### *Miscellaneous and supplementary*

#### **18 Avoidance of insurances on lives of foster children.**

A person who maintains a foster child for reward shall be deemed for the purposes of the <sup>M1</sup>Life Assurance Act 1774 to have no interest in the life of the child.

#### **Marginal Citations**

**M1** 1774 c. 48.

#### **19 Service of notices by post.**

Any notice or information required to be given under this Act may be given by post.

#### **20 Regulations**

Any power to make regulations conferred on the Secretary of State by this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **21 Interpretation.**

(1) In this Act—

[<sup>F1</sup> “barred person” has the meaning given by section 7(4); ]

[<sup>F2</sup> “care home service” has the meaning given by [<sup>F3</sup>paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010]; ]

“child” means a person under the age of 18;

“compulsory school age” means school age within the meaning of the <sup>M2</sup>Education (Scotland) Act 1980;

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

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“local authority” means [<sup>F4</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“local authority in England or Wales” means the Council of a non-metropolitan county, metropolitan district or London borough, or the Common Council of the City of London;

“place of safety” [<sup>F5</sup>has the meaning given by section [<sup>F6</sup>202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1)]];

“relative” in relation to a child, means a grandparent, brother, sister, uncle or aunt whether of the full blood or half blood or by affinity <sup>F7</sup>...;

“residential establishment” means

[<sup>F8</sup>(a)]an establishment managed by a local authority, voluntary organisation or any other person which provides residential accommodation for the purposes of the <sup>M3</sup>Social Work (Scotland) Act 1968 [<sup>F9</sup>or of Part II of the Children (Scotland) Act 1995] whether for reward or not<sup>F10</sup>; or

(b) a residential establishment as defined in section 202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1)];

<sup>F11</sup>[ “supervision requirement” has the meaning given by section 70(1) of the Children (Scotland) Act 1995; ]

- (a) to submit to supervision in accordance with such conditions as they may impose; or
- (b) to reside in a residential establishment named in the requirement and be subject to such conditions as they may impose;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit.

(2) In this Act, except insofar as the context otherwise requires,—

- (a) any reference to a numbered section or Schedule is a reference to the section of, or the Schedule to, this Act so numbered;
- (b) a reference in a section to a numbered subsection is a reference to the subsections of that section so numbered;
- (c) a reference in a section, subsection or Schedule to a numbered or lettered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered or lettered.

#### Textual Amendments

- F1** Words in s. 21 inserted (28.2.2011) by Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), s. 101(2), **Sch. 4 para. 12** (with ss. 90, 99); S.S.I. 2011/157, art. 2(a)
- F2** Definition of “care home service” in s. 21(1) inserted (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 12(3)(a)**; S.S.I. 2002/162, **art. 2(f)(h)** (subject to arts. 3-13)
- F3** Words in s. 21(1) substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **Sch. 1 para. 5(b)**
- F4** S. 21(1): words in definition of “local authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 136**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Words in the definition of “place of safety” in s. 21(1) substituted (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 12(3)(b)**; S.S.I. 2002/162, **art. 2(f)(h)** (subject to arts. 3-13)
- F6** Words in s. 21(1) substituted (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **Sch. 1 para. 5(4)(a)**

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- F7** Words in s. 21(1) repealed (30.6.2006) by Family Law (Scotland) Act 2006 (Consequential Modifications) Order 2006 (S.S.I. 2006/384), arts. 1, 7
- F8** Words in s. 21(1) inserted (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **Sch. 1 para. 5(4)(b)(i)**
- F9** S. 21(1): words in definition of "residential establishment" inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(7)(a)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)
- F10** Words in s. 21(1) inserted (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **Sch. 1 para. 5(4)(b)(ii)**
- F11** s. 21(1): definition of "supervision requirement" substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(7)(b)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

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**Marginal Citations**

- M2** 1980 c. 44.  
**M3** 1968 c. 49.

## 22 Transitional provisions, consequential amendments and repeals.

- (1) This Act shall have effect subject to the transitional provisions set out in Schedule 1 to this Act.
- (2) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- (3) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 16 or 17 of the <sup>M4</sup>Interpretation Act 1978 (which relate to the effect of repeals).

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**Marginal Citations**

- M4** 1978 c. 70.

## 23 Citation

- (1) This Act may be cited as the Foster Children (Scotland) Act 1984.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act (except paragraph 8 of Schedule 2) extends to Scotland only.

**Changes to legislation:**

There are currently no known outstanding effects for the Foster Children (Scotland) Act 1984,  
Cross Heading: Miscellaneous and supplementary.