



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART III

#### THE PRINCIPAL REPORTER AND THE SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

##### *The Principal Reporter*

#### **127 The Principal Reporter**

- (1) There shall be an officer, to be known as the "Principal Reporter", to whom there are hereby transferred the functions under the Social Work (Scotland) Act 1968 (hereafter referred to in this Part of this Act as "the 1968 Act") and the Criminal Procedure (Scotland) Act 1975 of reporters appointed under subsection (1) of section 36 of the 1968 Act, which subsection shall cease to have effect.
- (2) The first appointment to the office of Principal Reporter shall be made by the Secretary of State on such terms and conditions as he may, with the approval of the Treasury, determine.

##### *The Scottish Children's Reporter Administration*

#### **128 The Scottish Children's Reporter Administration**

- (1) There shall be a body, to be known as the "Scottish Children's Reporter Administration" (hereinafter in this Act referred to as the "Administration").
- (2) The Principal Reporter shall be the chief officer of the Administration.
- (3) The general purpose of the Administration shall be to facilitate the performance by the Principal Reporter of his functions under the 1968 Act and the Criminal Procedure (Scotland) Act 1975.

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- (4) Appointments to the office of Principal Reporter subsequent to the first such appointment shall be made by the Administration with the consent of the Secretary of State on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (5) The Administration shall have such other officers as are necessary in order to assist the Principal Reporter; they shall, subject to section 137 of this Act, be appointed by the Administration on such terms as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (6) Schedule 12 to this Act (which provides as to the status, constitution and proceedings of the Administration and other matters relating to it) shall have effect.
- (7) The Administration shall be responsible for the management of its officers, including their discipline and removal from office and their deployment throughout Scotland for the purposes of performing their duties.
- (8) Nothing in this section or any other provision of this Act shall be taken as authorising the Administration to direct or guide the Principal Reporter in the performance of his functions under the 1968 Act and the Criminal Procedure (Scotland) Act 1975.

## **129 Appeal against dismissal of Principal Reporter and other officers**

- (1) If dismissed by the Administration, the Principal Reporter or any prescribed officer of the Administration may appeal to the Secretary of State against the dismissal.
- (2) An officer may be prescribed for the purposes of this section by reference to a class thereof so prescribed.
- (3) In an appeal under this section the Administration shall be the respondent.
- (4) The—
  - (a) procedure in relation to an appeal under this section;
  - (b) effect of the making of such an appeal;
  - (c) powers of the Secretary of State to dispose of such an appeal (including powers to make directions as to liability for expenses); and
  - (d) effect of the exercise of such powers
 shall be as prescribed.
- (5) In this section, “prescribed” means prescribed by regulations made by the Secretary of State.
- (6) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### *Additional functions of the Principal Reporter*

## **130 Annual report of Principal Reporter**

- (1) The Principal Reporter shall—
  - (a) as soon as possible after the 31st March following upon the coming into force of this section make a report to the Administration on the exercise and performance to that date of—

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- (i) his functions under the 1968 Act and the Criminal Procedure (Scotland) Act 1975; and
  - (ii) such functions as it has delegated to him under this Act; and
- (b) make similar reports as to each subsequent period of twelve months ending on 31st March as soon as possible after the end of that period.
- (2) If the date on which this section comes into force falls on a day after 30th September and before 31st March, the first report by the Principal Reporter under this section shall be for the period ending with the next succeeding 31st March.

### **131 Delegation of Principal Reporter's functions**

- (1) The Principal Reporter may delegate functions (other than that of making reports under section 130 of this Act) to other officers of the Administration.
- (2) In performing any function delegated to him under subsection (1) above, an officer shall comply with any instructions or guidance given by the Principal Reporter.
- (3) Any delegation made under subsection (1) above or instruction or guidance given for the purposes of subsection (2) above may be—
- (a) to all officers, or to a class or classes of officer specified in the delegation, instruction or, as the case may be, guidance or to an individual officer so specified;
  - (b) of a general or specific character,
- and may be varied or revoked by a subsequent delegation so made or a subsequent instruction or, as the case may be, subsequent guidance so given.

#### *Functions of the Administration*

### **132 Duty of Administration to provide accommodation etc. for children's hearings**

- (1) The Administration shall provide suitable accommodation and facilities for children's hearings under section 34 of the 1968 Act.
- (2) Accommodation and facilities provided under subsection (1) above shall be provided for each local government area (but may be sited in another) and shall be dissociated from criminal courts and police stations.

### **133 Ancillary powers of Administration**

The Administration shall have power to do all such things as are incidental or conducive to the achievement of its general purpose and the performance of its functions, including power to acquire, hold and dispose of land or any interest in or right over land.

### **134 Directions by the Secretary of State**

- (1) The Secretary of State may give the Administration directions of a general or specific character with regard to the achievement of its general purpose and discharge of its functions, and the Administration shall comply with any such directions.

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- (2) A direction given under this section may be varied or revoked by a subsequent direction so given.

*Finance of the Administration*

**135 Government grants to the Administration**

- (1) The Secretary of State may, with the approval of the Treasury, make to the Administration grants of such amounts as he thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State may, with the approval of the Treasury, determine.

*Reports, accounts etc. of the Administration*

**136 Reports, accounts etc. of the Administration**

- (1) The Administration shall—
- (a) furnish the Secretary of State with such returns, accounts and other information with respect to its property and activities or proposed activities as he may, from time to time, require;
  - (b) afford him facilities for the verification of information so furnished; and
  - (c) for the purpose of such verification, permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of the Administration and to give that person such explanation of anything he is entitled to inspect as he may reasonably require.
- (2) The Administration shall—
- (a) as soon as possible after the 31st March following upon the coming into force of section 128 of this Act make a report to the Secretary of State on the exercise and performance of its functions to that date incorporating in that report a copy of so much of the report made to it by the Principal Reporter as to that period as was made under section 130(1)(a)(i) of this Act; and
  - (b) make a similar report to him as to each subsequent period of twelve months ending on 31st March as soon as possible after the end of such period,
- and a copy of every such report shall be laid before each House of Parliament by the Secretary of State:

Provided that if the date upon which the said section 128 comes into force falls on a day after 30th September and before 31st March, the first report of the Administration under this section shall be for the period ending with the next succeeding 31st March.

- (3) The Administration shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and shall submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (4) The Secretary of State shall, on or before the 30th November in any year, transmit to the Comptroller and Auditor General the statement of account of the Administration for the financial year last ended.

- (5) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under subsection (4) above, and shall lay copies of them together with his report thereon before each House of Parliament.
- (6) In this section “financial year” means the period beginning with the date upon which section 128 of this Act comes into force and ending with the 31st March following that date and each period of twelve months thereafter:

Provided that if the date upon which the said section 128 comes into force falls on a day after 30th September and before 31st March, the first financial year of the Administration shall end with the next succeeding 31st March.

*General and supplemental*

**137 Staff: application of Chapter 2 of Part I**

- (1) Sections 8 (except subsections (3) and (4)), 9 and 12 of this Act shall apply also in relation to the transfer to the Administration of officers appointed under subsection (1) of section 36 of the 1968 Act and staff provided in pursuance of subsection (6) of that section with the following modifications—
- (a) references to an existing local authority shall include references to an islands council and references to a new authority shall be construed as references to the Administration; and
  - (b) the reference in section 12(2)(a) to authorities which cease to exist by virtue of Chapter 1 of Part I of this Act shall include a reference to authorities which cease to have functions under section 36(1) and (6) of the 1968 Act.
- (2) Section 10 of this Act shall, with the modification specified in subsection (3) below, apply in relation to persons ceasing to be officers appointed or staff provided as mentioned in subsection (1) above and being subsequently employed by the Administration as it applies in relation to persons ceasing to be employed by an existing local authority and being subsequently employed by another person.
- (3) The modification referred to in subsection (2) above is that references in section 10 of this Act to an existing local authority shall include references to an islands council.
- (4) Section 11 of this Act shall apply also in relation to the remuneration of officers appointed and staff provided as mentioned in subsection (1) above with the following modifications—
- (a) references to an authority shall be construed as references only to an existing local authority and references to an existing local authority shall include references to an islands council;
  - (b) the reference in subsection (5) to the Secretary of State consulting associations of local authorities and employees of local authorities shall include a reference to the Secretary of State consulting the Administration; and
  - (c) the reference in subsection (7) to an authority not having ceased to exist shall include a reference to an authority not having ceased to have functions under section 36(1) and (6) of the 1968 Act.
- (5) Section 13 of this Act shall apply in relation to officers appointed or staff provided as mentioned in subsection (1) above with the modification that references in that section to an existing local authority shall include references to an islands council.

### **138 Property etc.: application of Chapter 3 of Part I**

- (1) Chapter 3 of Part I of this Act shall, with the modifications specified in subsection (2) below, apply in relation to the transfer to the Principal Reporter or the Administration of the property, rights, liabilities and obligations of reporters appointed under section 36(1) of the 1968 Act and such property, rights, liabilities and obligations as a local authority for the purpose of that Act has for the purposes of—
  - (a) their functions under section 34(3) of that Act (duty to provide suitable accommodation and facilities for children’s hearings); or
  - (b) providing accommodation and facilities for, or otherwise facilitating or supporting the performance of the functions of, reporters appointed under subsection (1) of section 36 of the 1968 Act or staff provided in pursuance of subsection (6) of that section.
- (2) The modifications referred to in subsection (1) above are as follows—
  - (a) references in Chapter 3 of Part I of this Act to existing local authorities shall include references to reporters appointed under section 36(1) of the 1968 Act and to islands councils; and
  - (b) references in that Chapter to new local authorities shall include references to the Principal Reporter and to the Administration.