

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Foster Children (Scotland) Act 1984 (c. 56)

- 35 (1) The Foster Children (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 2 (exceptions to definition of “foster child”)—
- (a) in subsection (1), for the words “in the care of a local authority or a voluntary organisation” substitute “being looked after by a local authority”;
 - (b) in subsection (3), the words “within the meaning of the Social Work (Scotland) Act 1968” shall cease to have effect;
 - (c) in subsection (5), the words “; or (b) while he is a protected child within the meaning of section 32 of the said Act of 1978” shall cease to have effect; and
 - (d) after subsection (5) add—
 - “(6) The reference in subsection (1) above to a child being looked after by a local authority shall be construed as if it were a reference to which section 17(6) of the Children (Scotland) Act 1995 applies.”.
- (3) In section 3(4) (saving for Social Work (Scotland) Act 1968), for the words “the Social Work (Scotland) Act 1968” substitute “Part II of the Children (Scotland) Act 1995”.
- (4) In section 7(1) (persons disqualified from keeping foster children)—
- (a) in paragraph (b), after the word “1968” insert “or under section 70 of the Children (Scotland) Act 1995”; and
 - (b) after paragraph (d) insert—
 - “(dd) his parental rights and parental responsibilities (within the meaning of the Children (Scotland) Act 1995) have been transferred, by an order under section 85(1) of that Act, to a local authority;”.
- (5) In section 12 (removal of foster children on complaint of local authority), for subsection (5) substitute—
- “(5) For the purposes of section 24 of the Children (Scotland) Act 1995 (and for the reason mentioned in subsection (1)(c) of that section) a child removed under this section shall be regarded as requiring accommodation.”.
- (6) In section 13 (which makes provision as to the effect of a refusal to allow a visit to a foster child or to allow premises to be inspected), for the words from “sections” to the end substitute “section 54 of the Children (Scotland) Act 1995 (child assessment orders) as giving the local authority reasonable cause for the suspicion mentioned in subsection (1)(a) of that section.”.

Status: This is the original version (as it was originally enacted).

(7) In section 21(1) (interpretation)—

- (a) in the definition of “residential establishment”, after the word “1968” insert “or of Part II of the Children (Scotland) Act 1995”; and
- (b) for the definition of “supervision requirement”, substitute—

““supervision requirement” has the meaning given by section 69(1) of the Children (Scotland) Act 1995;”.