



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART II

#### PROMOTION OF CHILDREN'S WELFARE BY LOCAL AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

### CHAPTER I

#### SUPPORT FOR CHILDREN AND THEIR FAMILIES

#### *Miscellaneous and General*

### **36 Welfare of certain children in hospitals and nursing homes etc**

- (1) Where a child is provided with residential accommodation by a person mentioned in subsection (3) below and it appears to the person that the child either—
- (a) has had no parental contact for a continuous period of three months or more; or
  - (b) is likely to have no parental contact for a period which, taken with any immediately preceding period in which the child has had no such contact, will constitute a continuous period of three months or more,
- the person shall (whether or not the child has been, or will be, so accommodated throughout the continuous period) so notify the local authority in whose area the accommodation is provided.
- (2) A local authority receiving notification under subsection (1) above shall—
- (a) take such steps as are reasonably practicable to enable them to determine whether the child's welfare is adequately safeguarded and promoted while he is so accommodated; and
  - (b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.
- (3) The persons are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) any health board constituted under section 2 of the National Health Service (Scotland) Act 1978;
  - (b) any national health service trust established under section 12A of that Act;
  - (c) any person carrying on—
    - (i) a private hospital registered under Part IV of the Mental Health (Scotland) Act 1984; or
    - (ii) a nursing home in respect of which either he is registered under section 1(3) of the Nursing Homes Registration (Scotland) Act 1938 or exemption has been granted under section 6 or 7 of that Act.
- (4) For the purposes of subsection (1) above, a child has parental contact only when in the presence of a person having parental responsibilities in relation to him.
- (5) A person duly authorised by a local authority may in the area of that authority, at all reasonable times, enter for the purposes of subsection (2) above or of determining whether there has been compliance with subsection (1) above any such place as is mentioned in sub-paragraph (i) or (ii) of subsection (3)(c) above and may for those purposes inspect any records or registers relating to that place; and subsections (2A) to (2D) and (4) of section 6 of the Social Work (Scotland) Act 1968 (exercise of powers of entry and inspection) shall apply in respect of a person so authorised as they apply in respect of a person duly authorised under subsection (1) of that section.