
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Looked After Children (Scotland) Regulations 2009 and come into force on 28th September 2009.

Interpretation

2. In these Regulations—

“the 1995 Act” means the Children (Scotland) Act 1995;

“the Arrangements to Look After Children Regulations” means the Arrangements to Look After Children (Scotland) Regulations 1996(1);

“foster carer” means a person approved as a foster carer in accordance with a decision made under regulation 22(3), 23 or 26(8);

“the Fostering Regulations” means the Fostering of Children (Scotland) Regulations 1996(2);

“Health Board” means a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(3);

“kinship carer” means a person approved as a kinship carer in accordance with a decision made under regulation 10;

“parent” means either the mother or father of the child or both;

“registered fostering service” means a person other than a local authority whose functions consist of or include the making of arrangements for or in connection with the performance of functions assigned to a local authority—

(a) under section 26(1)(a) of the 1995 Act; or

(b) by virtue of section 5(2) to (4) of the Social Work (Scotland) Act 1968(4),

and who is registered under Part 1 of the Regulation of Care (Scotland) Act 2001(5); and

(1) S.I.1996/3262.

(2) S.I. 1996/3263.

(3) 1978 c. 29. Section 2 was amended by the Health and Social Services and Social Security Adjudications Act 1983 c. 41, section 14(2), Schedule 7, paragraph 1, the National Health Service and Community Care Act 1990 c. 19, sections 28 and 66(1), the National Health Service Reform (Scotland) Act 2004 asp 7, schedule 1, paragraph 1(2) and the Smoking, Health and Social Care (Scotland) Act 2005 asp 13, section 42(1), and schedule 2, paragraph 2.

(4) Section 4 of the Social Work (Scotland) Act 1968 allows local authorities to make arrangements with a voluntary organisation or other person to assist with the performance of a function which is assigned to the local authority under that Act or Part II of the 1995 Act.

(5) 2001 asp 8. Section 2 was amended by the Protection of Vulnerable Groups (Scotland) Act 2007 asp 14, section 82(1) the Smoking, Health and Social Care (Scotland) Act 2005 asp 13, section 29 and the Mental Health (Care and Treatment) (Scotland) Act 2003 asp 13, schedule 5. Section 16 was amended by the Smoking, Health and Social Care (Scotland) Act

“relevant person” in relation to a child has the meaning given by section 93(2)(b)(6) of the 1995 Act.

[2005 asp 13](#), section 30(2). Sections 21 and 25 are repealed by the Adoption and Children (Scotland) Act [2007 asp 4](#), schedule 3, section 120(1), schedule 2, paragraph 11.

(6) Section 9B(2)(b) and the definition of “relevant person” is amended by the Adoption and Children (Scotland) Act [2007 asp 4](#), schedule 4.