

*Status: Point in time view as at 01/04/2011.*

*Changes to legislation: Children (Scotland) Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 39(2).

#### CHILDREN’S PANELS

##### *Appointment*

- 1 The Secretary of State shall, for each local government area, appoint such number of members of children’s panels as he considers appropriate and from among that number appoint a chairman and a deputy chairman.
- 2 A member of a children’s panel shall hold office for such period as is specified by the Secretary of State, but may be removed from office by the Secretary of State at any time.

##### *Children’s Panel Advisory Committees*

- 3 Subject to paragraph 8 below, each local authority shall form a body (to be known as a “Children’s Panel Advisory Committee”) consisting of two members nominated by the local authority and three members nominated by the Secretary of State.
- 4 The Secretary of State may at the request of the local authority provide for an increase in the membership of the Children’s Panel Advisory Committee appointed under paragraph 3 above by such number, not exceeding five, of additional members as the authority specify in relation to their request, the additional members to be nominated as follows—
  - (a) the first, and any second or fourth additional member, by the Secretary of State;
  - (b) any third or fifth additional member, by the local authority.
- 5 The chairman of the Children’s Panel Advisory Committee shall be appointed by the Secretary of State from among such of the members he has nominated as are resident in the local government area for which the panel is appointed.
- 6 It shall be the duty of the Children’s Panel Advisory Committee—
  - (a) to submit names of possible panel members to the Secretary of State;
  - (b) to advise the Secretary of State, in so far as he requires advice, on the suitability of persons referred to him as potential panel members; and
  - (c) to advise the Secretary of State on such matters relating to the general administration of the panels as he may refer to them.
- 7 The Children’s Panel Advisory Committee shall have power—
  - (a) to appoint sub-committees;
  - (b) to appoint to any such sub-committee a person who is not a member of the Children’s Panel Advisory Committee; and
  - (c) to refer all or any of the duties set out in paragraph 6 above to any such sub-committee for their advice.

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### *Joint Advisory Committees*

- 8 (1) Two or more local authorities may, instead of each acting under paragraph 3 above, make arrangements to form a Children’s Panel Advisory Committee for their areas (a “joint advisory committee”).
- (2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.
- (3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and they shall comply with any such direction.
- (4) Paragraphs 3 to 7, 10(a) and 11(b) of this Schedule shall apply to a joint advisory committee as they apply in respect of a Children’s Panel Advisory Committee and, for the purposes of those paragraphs the local authorities acting under sub-paragraph (1) above shall be regarded as a single local authority.

### *Recruitment and training of panel members*

- 9 The Secretary of State may make such arrangements as he considers appropriate—
- [<sup>F1</sup>(a)] to recruit and train members, or possible members, of the children’s panels [<sup>F2</sup>; and
- (b) to train members, or possible members, of the Children’s Panel Advisory Committees (or of any sub-committees of any of those committees).]

#### **Textual Amendments**

- F1** Words in Sch. 1 para. 9 renumbered as subparagraph (a) (19.7.2001) by 2001 asp 8, ss. 76(a), 81(2)
- F2** Sch. 1 para. 9(b) and word “and” immediately preceding inserted (19.7.2001) by 2001 asp 8, ss. 76(b), 81(2)

- 10 Each local authority shall make such arrangements as they consider appropriate—
- (a) to enable the Children’s Panel Advisory Committee to obtain names for submission to the Secretary of State as potential panel members; and
- (b) to train—
- [<sup>F3</sup>(i) panel members or potential panel members][<sup>F4</sup>; and
- (ii) members or potential members of Children’s Panel Advisory Committees (or of any sub-committees of any of those committees).]

#### **Textual Amendments**

- F3** Words in Sch. 1 para. 10(b) renumbered as head (i) (19.7.2001) by 2001 asp 8, ss. 76(b), 81(2)
- F4** Sch. 1 para. 10(b)(ii) inserted (19.7.2001) by 2001 asp 8, ss. 76(b), 81(2)

### *Expenses of panel members*

- 11 A local authority may pay—
- (a) to a member or a potential member of a children’s panel,

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- (b) to a member of the Children’s Panel Advisory Committee,
- (c) to any person appointed under paragraph 7 above,

such allowances as may be determined by the Secretary of State; and he may determine differently in relation to different cases or different classes of case.

*Publication of list of members of children’s panel*

- 12 Each local authority shall publish a list of names and addresses of members of the children’s panel for their area, and that list shall be open for public inspection at the principal offices of the local authority, and at any place where an electors list for the local government area is available for inspection.

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