



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 3

MISCELLANEOUS

Care allowances: regulations

110 Allowances for care of certain children: regulations

- (1) The Scottish Ministers may by regulations make provision about payments by a local authority in respect of a child who falls within subsection (2).
- (2) A child falls within this subsection if—
 - (a) the child is placed by the authority under section 26(1)(a) of the 1995 Act,
 - (b) the child is required by virtue of section 70(3)(a) of that Act to reside with a person other than a parent of the child, or
 - (c) were the child not residing with a relative, the authority would be required by section 25(1) of that Act to provide accommodation for the child.
- (3) Regulations under subsection (1) may in particular include provision for or in connection with—
 - (a) specifying descriptions of person to whom payments may be made,
 - (b) specifying circumstances in which payments may be made,
 - (c) specifying rates of payment to be payable in such circumstances as may be specified in the regulations,
 - (d) where a rate is so specified—
 - (i) requiring local authorities to pay at least that rate in the circumstances so specified,
 - (ii) recommending that local authorities pay at least that rate (“the recommended rate”) in the circumstances so specified,
 - (e) where a recommended rate is payable, requiring local authorities which pay less than that rate to publish, in such manner as may be so specified, their reasons for doing so.

Status: This is the original version (as it was originally enacted).

- (4) A child does not cease to fall within paragraph (a) of subsection (2) by reason only of the making of a permanence order vesting parental responsibilities in a person who is a member of the family with whom the child was placed.
- (5) A child does not fall within paragraph (c) of subsection (2) if the relative is a guardian of the child.
- (6) It is immaterial for the purposes of paragraph (c) of subsection (2) whether the relative has any parental rights or parental responsibilities in relation to the child.