

**Changes to legislation:** Social Work (Scotland) Act 1968, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 June 2023. 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) View outstanding changes

## SCHEDULES

### SCHEDULE 3

Section 33.

#### CHILDREN’S PANELS

##### *Appointment*

- 1 The Secretary of State shall appoint such number of members of children’s panels for each local authority area as he considers appropriate and from among these members he shall 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 Committee*

- 3 [F1 Subject to paragraph 5B below,] each local authority shall form a Children’s Panel Advisory Committee consisting of
- [F2F3 (i) . . . . .
- (ii) F4 . . . ]
- two members nominated by the local authority and three members nominated by the Secretary of State . . . F5

#### Textual Amendments

- F1** Words in Sch. 3 para. 3 inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 76(25)(a)(i); S.I. 1996/323, art. 4(1)(b)(c)
- F2** Para. 3(i)(ii) inserted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 27 Pt. II para. 187(a)
- F3** Sch. 3 para. 3(i) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 76(25)(a)(ii), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2
- F4** Sch. 3 para. 3(ii): the words “in any other case,” repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 76(25)(a)(ii), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2
- F5** Words repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 29

#### Modifications etc. (not altering text)

- C1** Para. 3 extended by Local Government (Scotland) Act 1975 (c. 30, SIF 81:2), s. 23(2)

- [F63A 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 for the area of the authority by such number, not exceeding 5, of additional members as the authority specify in relation to their request, the additional members to be nominated as follows—
- (a) the first, second and fourth additional members, by the Secretary of State;

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(b) the third and fifth additional members, by the local authority]

#### Textual Amendments

**F6** Sch. 3 para. 3A added by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 49:6), s. 24

4 The chairman of the Children’s Panel Advisory Committee shall be appointed by the Secretary of State from among the members he has nominated, and shall be resident in the area of the local authority.

5 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 as required on the suitability of persons referred to him as possible members; and
- (c) to advise the Secretary of State on such matters relating to the general administration of panels as he may refer to them.

[<sup>F7</sup>5A The Children’s Panel Advisory Committee shall have power—

- (a) to appoint sub-committees;
- (b) to appoint to any such sub-committee persons who are not members of the Children’s Panel Advisory Committee; and
- (c) to refer all or any of the duties set out in paragraph 5 above to any such sub-committee for their advice;

and the provisions of paragraph 8 below shall apply to any persons appointed under sub-paragraph (b) above as they apply to members of the Children’s Panel Advisory Committee.]

#### Textual Amendments

**F7** Sch. 3 para. 5A added by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 27 Pt. II para. 187(b)

[<sup>F8</sup>5B (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children’s Panel Advisory Committee for their areas (hereafter referred to as 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 the local authorities shall comply with any such direction.

(4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children’s Panel Advisory Committee formed under the said paragraph 3.]

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**Textual Amendments**

- F8** Sch. 3 para. 5B inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 76(25)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**

*Recruitment and Training of Panel Members*

- 6 The Secretary of State may make such arrangements as he considers appropriate to recruit and train members or possible members of children’s panels.
- 7 Each local authority [<sup>F9</sup>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 possible panel members, and
  - (b) to train panel members or possible panel members.

**Textual Amendments**

- F9** Words in Sch. 3 para. 7 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 76(25)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**

*Expenses of Panel Members*

- [<sup>F10</sup>8 A local authority may pay—
- (a) to a member or possible member of the children’s panel,
  - (b) to a member of the Children’s Panel Advisory Committee,
- such allowances as may be determined by the Secretary of State; and he may determine differently in relation to different cases or classes of case.]

**Textual Amendments**

- F10** Sch. 3 para. 8 substituted by Local Government and Housing Act 1989 (c. 42), s. 194(1), **Sch. 11 para. 15**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to [legislation.gov.uk](#). S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)