



# Foster Children (Scotland) Act 1984

## 1984 CHAPTER 56

### *Proceedings*

#### **11 Appeal to sheriff against requirement or prohibition imposed under section 9 or 10**

- (1) A person aggrieved by a requirement imposed under section 9, or by a prohibition imposed under section 10, may appeal to the sheriff within 14 days from the date on which he is notified of the requirement or prohibition; and where the appeal is against a requirement imposed under section 9, the requirement shall not have effect while the appeal is pending.
- (2) Where the sheriff allows an appeal under subsection (1), the sheriff, instead of cancelling the requirement or prohibition—
  - (a) may vary the requirement or allow more time for compliance with it; or
  - (b) if an absolute prohibition has been imposed, may substitute for it a prohibition on using the premises after such time as the sheriff may specify unless such specified requirements as the local authority had power to impose under section 9 are complied with.
- (3) Any requirement or prohibition specified or substituted under this section by the sheriff shall be deemed for the purposes of this Act, other than this section, to have been imposed by the local authority under section 9 or, as the case may be, section 10.

#### **12 Removal of foster children kept in unsuitable surroundings**

- (1) If the sheriff is satisfied, on the complaint of a local authority, that a foster child is being kept or is about to be received—
  - (a) by any person who is unfit to have his care, or
  - (b) in contravention of section 7 or of any prohibition imposed by a local authority under section 10, or
  - (c) in any premises or environment detrimental or likely to be detrimental to him,

the sheriff may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his or until other arrangements can be made with respect to him.

- (2) On proof that there is imminent danger to the health or well-being of the child, the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit foster children.
- (3) An order under this section made on the ground that a prohibition of a local authority under section 10 has been contravened may require the removal from the premises of all the foster children kept there.
- (4) An order under this section may be executed by any person authorised to visit foster children or by any constable.
- (5) A local authority may receive into their care under section 15 of the Social Work (Scotland) Act 1968 (duty of local authority to provide for orphans, deserted children, etc.) any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section 15 and notwithstanding that he may appear to the local authority to be over the age of 17.
- (6) Where a child is removed under this section, the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

### **13 Search warrants**

—A refusal to allow the visiting of a foster child or the inspection of any premises by a person authorised to do so under this Act shall be treated, for the purposes of sections 14 and 323 of the Criminal Procedure (Scotland) Act 1975 (under which a warrant authorising the search for and removal of a child may be issued on suspicion of any unnecessary suffering caused to, or certain offences committed against the child), as giving reasonable cause for such suspicion.