



Foster Children (Scotland) Act 1984

1984 CHAPTER 56

Proceedings

12 Removal of foster children kept in unsuitable surroundings.

- (1) If the sheriff is satisfied, on a 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.
- [^{F1}(5) For the purposes of section 25 of the Children (Scotland) Act 1995 (and for the reason mentioned in subsection (1)(c) of that section) a child removed under this section shall be regarded as requiring accommodation.]
- (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 is guardian.

Changes to legislation: There are currently no known outstanding effects for the Foster Children (Scotland) Act 1984, Section 12. (See end of Document for details)

Textual Amendments

- F1** S. 12(5) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(5)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

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