

1984 No. 566 (S.64)

CHILDREN AND YOUNG PERSONS

**The Curators ad Litem and Reporting Officers (Panels) (Scotland)
Regulations 1984**

Made - - - 11th April 1984

Laid before Parliament 24th April 1984

Coming into Operation 1st September 1984

In exercise of the powers conferred on me by section 103 of the Children Act 1975(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and extent

1.—(1) These regulations may be cited as the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 1984 and shall come into operation on 1st September 1984.

(2) These regulations shall apply only to Scotland.

Interpretation

2. In these regulations unless the context otherwise requires —

“the 1975 Act” means the Children Act 1975;

“the Sheriff Principal” means the Sheriff Principal or the Sheriffs Principal, as the case may be, within whose jurisdiction the local authority area, or the relevant part of the local authority area, lies;

“local authority” means a regional or islands council and “local authority area” shall be construed accordingly;

“panel” means a panel of persons established under regulation 3 below for a local authority area.

Establishment of panels

3.—(1) Subject to paragraph (2) below there shall be established for each local authority area a panel of persons from whom curators ad litem and reporting officers may be appointed for the purposes of section 20 of the 1975 Act.

(2) A local authority may, after consultation with the Sheriff Principal as to the desirability of their doing so, establish for their area more than one such panel, and may establish separate panels for the appointment of curators ad litem and reporting officers.

(a) 1975 c.72; section 103 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 2, paragraph 28.

Appointment to panel

4.—(1) Subject to paragraphs (2) and (3) below and regulations 5 and 6 below, each local authority shall from time to time, appoint such number of persons to be members of a panel as, after consultation with the Sheriff Principal, they consider adequate for the purposes for which the panel is established.

(2) A person may be appointed as a member of more than one panel.

(3) A local authority shall appoint persons as members of a panel in accordance with regulations 5 and 6 below.

(4) Before seeking nominations under regulation 5, a local authority may determine the standard of qualifications or experience which should be attained by persons who may be appointed curators ad litem or reporting officers for the purposes of section 20 of the 1975 Act, and any such determination shall be made after consultation with the Sheriff Principal.

Nominations

5.—(1) Before a local authority makes any appointment they shall invite nominations for persons as potential members of a panel from —

- (a) the Sheriff Principal;
- (b) other local authorities; and
- (c) such other persons as the local authority may consider appropriate.

(2) A local authority may take such steps, including public advertisement, as they consider appropriate, to secure the nomination of a sufficient number of persons as potential members of a panel, and may themselves make nominations.

6.—(1) A local authority shall appoint to a panel any person nominated by the Sheriff Principal provided that person's qualifications or experience are not inconsistent with any standard which may have been determined in accordance with regulations 4(4) above.

(2) Before appointing any other person to a panel a local authority shall —

- (a) satisfy themselves, either generally, or having regard to any standard determined under regulation 4(4), that the qualifications or experience of each person whom they propose to appoint are appropriate to his appointment as curator ad litem or, as the case may be, reporting officer for the purposes of section 20 of the 1975 Act; and
- (b) consult the Sheriff Principal and such other nominating authorities and persons as they consider necessary with respect to the suitability of each of the proposed appointments.

Term of appointment

7.—(1) Subject to paragraph (2) below, the appointment under regulation 4 above of a person as a member of a panel shall be for such period not exceeding 3 years as the local authority in consultation with the Sheriff Principal consider appropriate.

(2) A person may be reappointed as a member of a panel.

(3) A person's membership of a panel shall be terminated by a local authority at any time where (a) the local authority are satisfied that he is unable, unfit or unsuitable to continue to carry out the functions of his membership, or (b) any court to which he has been appointed as curator ad litem or reporting officer under the said section 20 so reports to the local authority.

Review of panels

8. A local authority shall in consultation with the Sheriff Principal keep under review the membership and operation of every panel for their area and shall ensure at all times a membership of the panel adequate for the purposes for which the panel is established.

Inform Sheriff Principal etc

9. A local authority shall inform the Sheriff Principal and such other persons as the local authority consider necessary, of the names, addresses, qualifications and experience of each member of a panel for the area of the local authority, and of any change with respect to that membership.

Expenses, fees and allowances

10. In the case of —

- (a) an application under section 14 or section 16 of the 1975 Act; or
- (b) an application for an adoption order or order under section 25 of the 1975 Act where the child was placed with the applicant by an adoption agency,

a local authority shall defray the expenses incurred by a member of a panel established for their area and shall pay to him such fees and allowances as they think fit.

New St Andrew's House,
Edinburgh.
11th April 1984.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the establishment in the area of each Regional and Islands Council of panels of persons to act as curators ad litem and reporting officers for the purpose of section 20 of the Children Act 1975.

Regulation 3(2) provides that the local authority, after consultation with the Sheriff Principal may establish more than one panel in their area while regulation 4 requires that the local authority consult the Sheriff Principal on the size of panel which should be appointed so that this is adequate for the functions to be performed. Regulation 4 also empowers the local authority to consult with the Sheriff Principal as to the standard of qualification or experience which should be attained by persons nominated to serve on any panel.

Regulations 5 and 6 set out the procedure to be followed by the local authority in seeking nominations and making appointments to panels to be established in their area. Regulation 7 makes provision for the term of appointment, reappointment, and termination of appointment, in certain circumstances, of panel members. Regulation 8 requires the local authority in consultation with the Sheriff Principal to keep under review the membership and operation of every panel for their area. Regulation 9 requires the local authority to maintain records of those persons appointed to panels and to inform the Sheriff Principal, and such other persons as they consider necessary, about panel membership and any changes in membership of panels.

Regulation 10 requires the local authority, in relation to certain specified applications to the Sheriff Principal under the Children Act 1975, to defray the expenses of panel members and to pay panel members such fees and allowances as they think fit.

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