SCOTTISH STATUTORY INSTRUMENTS

2001 No. 477

CHILDREN AND YOUNG PERSONS

The Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001

Made - - - -	*20th December 2001*
Laid before the Scottish Parliament - - - -	*21st December 2001*
Coming into force - -	*23rd January 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 101 and 103(3) of the Children (Scotland) Act 1995(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulation 2001 and shall come into force on 23rd January 2002.

Interpretation

2. In these Regulations–

"adoption agency" means a local authority or an approved adoption society within the meaning of the 1978 Act;

"court" means an authorised court as defined in section 56 of the 1978 Act;

"the 1978 Act" means the Adoption (Scotland) Act 1978(**2**);

"the 1995 Act" means the Children (Scotland) Act 1995;

"panel" means a panel of persons established under regulation 3 below for a local authority area;

"the Sheriff Principal" means the Sheriff Principal or the Sheriff's Principal, as the case may be, within whose jurisdiction the local authority area, or the relevant part of the local authority area, lies.

(**1**) 1995 c. 36. Section 101 was amended by the Regulation of Care (Scotland) Act 2001 asp 8, section 75. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) 1978 c. 28.

Establishment of panels

3.—(1) Subject to paragraph (2) there shall be continued 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 87(4) of the 1995 Act and section 58 of the Adoption (Scotland) Act 1978(**3**).

(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.

Appointment to panel

4.—(1) Subject to paragraphs (2) and (3) and regulations 5, 6 and 7, 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.

(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, 6 and 7 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 58 of the 1978 Act or the 1995 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 regulation 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 58 of the 1978 Act or the 1995 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.

(**3**) 1978 c. 28. Section 58 was amended by the Children (Scotland) Act 1995 Schedule 2 paragraph 26.