SCOTTISH STATUTORY INSTRUMENTS

2001 No. 476

CHILDREN AND YOUNG PERSONS

The Panels of Persons to Safeguard the Interests of Children (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 Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001 and shall come into force on 23rd January 2002.

Interpretation

2. In these Regulations unless the context otherwise requires–

"the chairman of the children's panel" means the person appointed by the Scottish Ministers for each local authority area by virtue of paragraph 1 of Schedule 1 to the 1995 Act.

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

"panel" means a panel of persons established under regulations 3 or 11 below, as the case may be, for a local authority area;

"Sheriff Principal" means the Sheriff Principal or the Sheriffs Principal, as the case may be, within those 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).

Establishment of panels for the purposes of section 41 of the 1995 Act

3.—(1) Subject to paragraph (2) below there shall be continued for each local government area a panel of persons from whom persons to safeguard the interests of children may be appointed for the purposes of section 41 of the 1995 Act.

(2) A local authority may, after consultation with the chairman of the children's panel and the Sheriff Principal as to the desirability of their doing so, establish for their area more than one such panel.

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, after consultation with the chairman of the children's panel and 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 experience and standard of any qualifications which should be possessed by persons who may be appointed to safeguard interests of children, and any such determination shall be made after consultation with the chairman of the children's panel and the Sheriff Principal.

Nominations

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

(a) the chairman of the children's panel;

(b) the Sheriff Principal; and

(c) such other bodies or 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) Before appointing any person to a panel a local authority shall–

(a) satisfy themselves, either generally, or, having regard to any determination made under regulation 4(4), that the experience and standard of any qualifications possessed by each person whom they propose to appoint are appropriate; and

(b) consult the chairman of the children's panel, the Sheriff Principal and such other nominating bodies and persons as they consider necessary with respect to the suitability of each of the proposed appointees.

(2) A local authority shall not appoint any person to a panel who is–

(a) a member of that local authority;

(b) a member of a children's panel appointed by the Scottish Ministers by virtue of paragraph 1 of Schedule 1 to the 1995 Act(**2**); or

(c) a member of a Children's Panel Advisory Committee formed by a local authority by virtue of paragraph 3 of the Schedule 1 to the 1995 Act.

(**2**) The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.