STATUTORY INSTRUMENTS

1983 No. 1913 (S. 180)

CHILDREN AND YOUNG PERSONS

The Access (Notice of Termination and of Refusal) (Forms) (Scotland) Order 1983

Made - - - -	16*th December* 1983
Coming into Operation	30*th January* 1984

In exercise of the powers conferred on me by section 17A(1) of the Social Work (Scotland) Act 1968(**a**) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Access (Notice of Termination and of Refusal) (Forms) (Scotland) Order 1983 and shall come into operation on 30th January 1984.

(2) In this order "the 1968 Act" means the Social Work (Scotland) Act 1968.

Form of notice

2.—(1) The form of notice to be given to a parent or guardian by a local authority or voluntary organisation of termination of arrangements for access to a child who is the subject of a resolution under section 16 of the 1968 Act(**b**) (assumption of parental rights and powers) shall be Form 1 in the Schedule to this order.

(2) The form of notice to be given to a parent or guardian by a local authority or voluntary organisation of a refusal to make arrangements for access to such a child shall be Form 2 in the Schedule to this order.

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

New St Andrew's House,
Edinburgh.
16th December 1983.

(**a**) 1968 c. 49; section 17A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 7(2).
(**b**) Section 16 was substituted by the Children Act 1975 (c.72), section 74.

Article 2

SCHEDULE

FORM 1

NOTICE OF TERMINATION OF ARRANGEMENTS FOR ACCESS

SOCIAL WORK (SCOTLAND) ACT 1968: SECTION 17A

From: *[Name of local authority or voluntary organisation]*

To: *[Name of parent or guardian]*

[Name of child]

[Name of child] of whom you are the parent/guardian is the subject of a resolution under section 16 of the Social Work (Scotland) Act 1968 vesting in the *[authority/organisation]* the parental rights and powers relating to the child.

The purpose of this notice is to advise you that the *[authority/organisation]* have decided that the arrangements for you to have access to *[name of child]* should be terminated. Access will be terminated from the date this notice is served on you. You have a right under section 17B of the Social Work (Scotland) Act 1968 to apply to the Sheriff at *[name of court]* for an order granting you access to *[name of child]*.

If you wish to apply to the Sheriff for an access order or if you need any help in connection with this notice, you are advised to seek legal advice as soon as possible. Depending on your financial circumstances you may be entitled to free or low-cost help under the Scottish Legal Aid or Legal Advice and Assistance Schemes. Your local citizens advice bureau will be able to give you the names of solicitors in the area who operate these schemes.

[signed]

Dated: An officer authorised to sign on behalf of the *[local authority/voluntary organisation]*

Address:

FORM 2

NOTICE OF REFUSAL OF ARRANGEMENTS FOR ACCESS

SOCIAL WORK (SCOTLAND) ACT 1968: SECTION 17A

From: *[Name of local authority or voluntary organisation]*

To: *[Name of parent or guardian]*

[Name of child]

[Name of child] of which you are the parent/guardian is the subject of a resolution under section 16 of the Social Work (Scotland) Act 1968, vesting in the *[authority/organisation]* the parental rights and powers relating to the child.

The purpose of this notice is to advise you that the *[authority/organisation]* have decided that your request for arrangements for access to *[name of child]* should be refused. You have a right under section 17B of the Social Work (Scotland) Act 1968 to apply to the Sheriff at *[name of court]* for an order granting you access to *[name of child]*.

If you wish to apply to the Sheriff for an access order or if you need any help in connection with this notice, you are advised to seek legal advice as soon as possible. Depending on your financial circumstances you may be entitled to free or low-cost help under the Scottish Legal Aid or Legal Advice and Assistance Schemes. Your local citizens advice bureau will be able to give you the name of solicitors in the area who operate these schemes.

[signed]
An officer authorised to sign on behalf of the *[local authority/ voluntary organisation]*.

Dated:

Address:

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prescribes the form of notice to be given by local authorities or voluntary organisations to a parent or guardian where they terminate arrangements for access to a child who is the subject of a parental rights resolution under section 16 of the Social Work (Scotland) Act 1968. The order also prescribes the form of notice to be given to the parent or guardian by the local authority or voluntary organisation where they refuse to make such arrangements.

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