STATUTORY INSTRUMENTS

1983 No. 1908

CHILDREN AND YOUNG PERSONS

The Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983

Made - - -	*19th December* 1983
Laid before Parliament	*29th December* 1983
Coming into Operation	*27th May* 1984

The Secretary of State for Social Services in exercise of the powers conferred upon him by section 103(1)(*a*) of the Children Act 1975(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 and shall come into operation on 27th May 1984.

(2) Any reference in these regulations to any provision made by or contained in any enactment shall, except insofar as the context otherwise requires, be construed as including a reference to any provision which may re-enact or replace it, with or without modification.

Panels of guardians ad litem and reporting officers

2.—(1) There shall be established in the area of each local authority a panel of persons appointed in accordance with the provisions of regulation 3 of these regulations from whom guardians ad litem and reporting officers may be appointed for the purposes specified in section 103(1)(*a*) of the Children Act 1975.

(2) A local authority shall ensure that the number of persons appointed to the panel established in its area is sufficient for the purposes specified in the said section 103(1)(*a*) in the area in which the panel is established.

Appointments to panels

3.—(1) Members of a panel shall be appointed by the local authority in whose area the panel is established.

(**a**) 1975 c.72. Section 103 was amended by the Child Care Act 1980 (c.5), Schedule 5, paragraph 37 and the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 1, paragraph 4 and Schedule 2, paragraph 28.

(2) Before appointing a person to be a member of a panel the local authority shall invite nominations from —

(*a*) any probation committee established in its area by virtue of Schedule 3 to the Powers of the Criminal Courts Act 1973(**a**),

(*b*) the clerk of each magistrates' court in its area,

(*c*) any local authority whose area adjoins its area and

(*d*) any other person as it considers appropriate.

(3) The local authority shall decide whether the qualifications and experience of any person nominated by any of the bodies referred to in paragraph (2) or by itself are suitable for the purposes of that person's appointment as a guardian ad litem or reporting officer.

(4) Before making an appointment to the panel, the local authority shall consult such organisations and persons from whom nominations were invited under paragraph (2) above as it thinks fit, in respect of those persons whom it proposes to appoint to the panel.

(5) The appointment of a person to a panel shall be for a period not exceeding three years, so however that the local authority may terminate that person's membership of the panel at any time where the local authority considers that he is unable or unfit to carry out the functions of a guardian ad litem or reporting officer.

(6) A local authority shall maintain a record of those persons whom it has appointed to be members of the panel established in its area.

Expenses, fees and allowances of members of panels

4.—(1) Local authorities shall in respect of the purposes specified in section 103(1)(*a*) of the Children Act 1975 defray expenses incurred by members of the panels established in their areas and pay fees and allowances for members of such panels.

(2) No expenses, fees and allowances as referred to in paragraph (1) shall be defrayed or paid by local authorities by virtue of paragraph (1) in respect of a member of a panel who is employed by a local authority or probation committee.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

19th December 1983.

(**a**) 1973 c.62. The designation "probation committee" was inserted in Schedule 3 by section 65(1) of the Criminal Justice Act 1982 (c.48).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for a panel of persons to be established in each local authority area in England and Wales from whom guardians ad litem and reporting officers may be appointed. Appointments from panels may be made by the courts in adoption proceedings (section 20 of the Children Act 1975); care proceedings where there is a conflict between the interests of the child and of his parents (section 32B of the Children and Young Persons Act 1969 (c.54) as inserted by section 64 of the Children Act 1975); parental rights resolution proceedings (section 7 of the Child Care Act 1980) and access proceedings (section 12F of the Child Care Act 1980 as inserted by Schedule 1 to the Health and Social Services and Social Security Adjudications Act 1983).

The Regulations make provision for local authorities to appoint members to panels and to ensure adequate membership for the above purposes. They make provision for nominations to panels to be invited, for the suitability of those nominated to be considered and for consultation in respect of those proposed for appointment. They provide for appointment to a panel to be for not more than three years subject to continued fitness to act. They also provide for records to be kept of persons appointed to a panel.

The Regulations also make provision for expenses, fees and allowances of panel members who are not employees of local authorities or probation committees to be defrayed and paid by local authorities.

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