STATUTORY INSTRUMENTS

1984 No. 554 (C. 13) (S. 62)

CHILDREN AND YOUNG PERSONS

The Children Act 1975 (Scotland) (Commencement No. 4) Order 1984

Made - - - - 10*th April* 1984

In exercise of the powers conferred on me by section 108(2) and (8) of the Children Act 1975 (**a**) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and extent

1.—(1) This order may be cited as the Children Act 1975 (Scotland) (Commencement No. 4) Order 1984.

(2) This order shall apply to Scotland only.

Interpretation

2. In this order—

"the Act" means the Children Act 1975;

"the 1958 Act" means the Adoption Act 1958 (**b**);

"the 1968 Act" means the Social Work (Scotland) Act 1968 (**c**).

Appointed date

3. The provisions of the Act specified in the first column of Schedule 1 to this order and of each of the two appendices to that Schedule (which relate to the matters specified in the second column thereof) shall come into force on 1st September 1984.

Transitional provisions and adaptations

4. The transitional provisions and adaptations contained in Schedule 2 to this order shall have effect in connection with the provisions brought into force by this order.

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

New St Andrew's House,
Edinburgh.
10th April 1984.

(**a**) 1975 c.72.
(**b**) 1958 c.5 (7 and 8 Eliz. 2).
(**c**) 1968 c.49.

Article 3

SCHEDULE 1

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST SEPTEMBER 1984

Column 1 Provisions of the Act	Column 2 Subject matter
Section 9	Child to live with adopters before adoption order made.
Section 14	Freeing child for adoption.
Section 15	Progress reports to former parent.
Section 16	Revocation of section 14 order.
Section 18	Need to notify local authority of adoption application.
Section 19	Interim orders.
Section 20	Curators ad litem and reporting officers.
Section 22(1) to (3)	Making of order.
Section 23	Transfer of parental rights and duties between adoption agencies.
Section 25	Adoption of children abroad.
Section 48(3) and (4)	Amendment of Guardianship Act 1973 relative to custody.
Section 77, so far as it inserts subsection (4A)(b) and (c) into Section 18 of the 1968 Act	Making of orders under section 14 or 25 where local authority or voluntary organisation have parental rights.
Section 80	Insertion of section 20A into the 1968 Act (review of case of child in care).
Section 102	Evidence of agreement and consent.
In Schedule 3, the provisions specified in Appendix A to this Schedule	Minor and consequential repeals.
In Schedule 4, the provisions specified in Appendix B to this Schedule	Repeals.

APPENDIX A TO SCHEDULE 1

AMENDMENTS COMING INTO FORCE ON 1ST SEPTEMBER 1984

Column 1 Provision in Schedule 3 to the Act	Column 2 Enactment amended
Paragraph 30(a)	Section 36(1) of the 1958 Act.
Paragraph 31(a)	Section 37(1) of the 1958 Act.
Paragraph 32	Section 40(6) of the 1958 Act.
Paragraph 36(a)	Section 52(1) of the 1958 Act.
Paragraph 44	Section 1 of the Adoption Act 1964 (c.57).
Paragraph 45	Section 3(3) of the Adoption Act 1964.

APPENDIX B TO SCHEDULE 1

REPEALS COMING INTO FORCE ON 1ST SEPTEMBER 1984

Column 1 Provision in Schedule 4 to the Act	Column 2 Subject matter
In Part IV, the repeal of section 12(3) of the 1958 Act	Adoption Orders
Part VIII	Adoption: Evidence of Agreement and Curators ad litem
Part IX	Inquiries etc. by Adoption Agencies
Part XI	Protected Children

SCHEDULE 2 Article 4

TRANSITIONAL PROVISIONS AND ADAPTATIONS

1. In this Schedule "relevant date" means 1st September 1984.

2. Where an application for an adoption order has been made before, but has not been determined by, the relevant date, the provisions of sections 9, 18, 19, 20, 22(1) and (3) and 102 of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.

3. Where an application for a provisional adoption order has been made before, but has not been determined by, the relevant date, the provisions of sections 9, 18, 19, 20, 22(3) and 25 of, and paragraph 36(a) of Schedule 3 to, the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.

4. Where, immediately before the relevant date, the provisions of section 36 of the 1958 Act applied in respect of a child in the care of a local authority, that section shall apply as if paragraph 30(a) of Schedule 3 to the Act had not been brought into force by this order.

5. In relation to a child who, immediately before the relevant date, is a protected child within the meaning of Part IV of the 1958 Act, section 37 of that Act shall apply as if paragraph 31(a) of Schedule 3 to the Act and Part XI of Schedule 4 thereto, insofar as they relate to that section, had not been brought into force by this order.

6. Where, in relation to an application for an adoption order made before the relevant date, an interim adoption order has been made under section 8 of the 1958 Act and that order is in force immediately before the relevant date, section 19 of the Act shall, notwithstanding that it has been brought into force by this order, not apply in connection with that application.

7. Where a provisional adoption order has been made under section 53 of the 1958 Act and that order is in force immediately before the relevant date, section 52 of that Act shall apply as if paragraph 36(a) of Schedule 3 to the Act had not been brought into force by this order.

8. Until the coming into force of section 1 of the Act, Part 1 thereof shall be subject to the following adaptations—

(a) in sections 9, 14, 15, 16, 18, 20, 22 and 23 for the words "adoption agency" wherever they occur there shall be substituted the words "approved adoption society or local authority"; and

(b) in sections 9, 14, 15, 22 and 23 for the word "agency" wherever it occurs there shall be substituted the words "society or authority".

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This order brings into force on 1st September 1984, for Scotland only, the provisions of the Children Act 1975 specified in Schedule 1 and its appendices to the order, subject to the transitional provisions and adaptations contained in Schedule 2 thereto.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(*This Note is not part of the Order.*)

The following provisions of the Children Act 1975 have been brought into force, for Scotland only, by commencement orders (a) made before the date of this order.

Sections 4 to 7
Section 8(1) to (8)
Section 10(1) and (2)
Section 11(1) to (3)
Section 12
Section 17(1), (2) and (4)
Section 21(4)
Section 22(4) to (6)
Section 24
Section 27
Section 28(a), (b) (partially), (c) and (d)
Section 29
Section 30(1), (2) and (6)
Sections 31 and 32
Sections 73 to 76
Section 77 (partially)
Section 79
Section 81
Schedules 3 (partially) and 4 (partially)

ENGLAND AND WALES

There is a separate series of commencement orders for the Children Act 1975 for England and Wales.

(a) S.I. 1977/227, 1978/1440, 1982/33, 1983/107.

SI 1984/554
ISBN 0-11-046554-7

