STATUTORY INSTRUMENTS

1985 No. 1557 (C.34) (S.121)

CHILDREN AND YOUNG PERSONS

The Children Act 1975 (Scotland) (Commencement No. 6) Order 1985

Made - - - 8th October 1985

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. 6) Order 1985.

(2) This order shall apply to Scotland only.

Interpretation

2. In this order —

"the Act" means the Children Act 1975.

Appointed date

3. The provisions of the Act specified in the first column of Schedule 1 to this order shall come into force on 1st April 1986.

Transitional provisions

4. The transitional provisions 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.
8th October 1985.

(**a**) 1975 c.72.

SCHEDULE 1 Article 3

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1986

Column 1 *Provisions of the Act*	Column 2 *Subject matter*
Section 47	Granting of Custody.
Section 48(1) and (2)	Miscellaneous provisions relative to custody.
Section 49	Notice to local authority of certain custody applications.
Section 50	Payments towards maintenance of children.
Section 51	Restriction on removal of child where applicant has provided home for 3 years.
Section 52	Return of child taken away in breach of section 51.
Section 53	Custody order on application for adoption in Scotland.
Section 54	Jurisdiction of Scottish courts in certain applications for custody.
Section 55	Interpretation and extent of sections 47 to 55.

SCHEDULE 2 Article 4

TRANSITIONAL PROVISIONS

1. Where an application for custody has been made before, but has not been determined by, 1st April 1986, the provisions of sections 47(2) and 49 shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.

2. Where an application for an adoption order has been made before, but has not been determined by, 1st April 1986 the provisions of section 53 of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order brings into force on 1st April 1986, the provisions of the Children Act 1975 specified in Schedule 1 to the order subject to the transitional provisions contained in Schedule 2 thereto. The provisions brought into force apply to Scotland only.

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 made before the date of this order:—

Provisions	*Date of Commencement*	*S.I. No.*
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), (5) and (6) Section 27 Section 28(*c*)(ii) Section 29 Section 30(1), (2) and (6) Section 31 Section 73 Section 74 (partially) Section 76 Section 77 (partially) Sections 79 and 81 Schedules 3 (partially) and 4 (partially)	7th March 1977	1977/227
Section 24	23rd October 1978	1978/1440
Sections 4 to 7 Section 28(*a*), (*b*) (partially), (*c*)(i) and (*d*) Section 32 Section 74 (partially) Section 75 Schedules 3 (partially) and 4 (partially)	15th February 1982	1982/33

Provisions	*Date of Commencement*	*S.I. No.*
Section 9 Section 14 Section 15 Section 16 Section 18 Section 19 Section 20 Section 22(1) to (3) Section 23 Section 25 Section 48(3) and (4) Section 77 (partially) Section 80 Section 102 Schedule 3 (partially) Schedule 4	1st September 1984	1984/554
Section 66 Section 78	30th June 1985	1984/1702

Sections 95 to 97 of the Act were consolidated in sections 3(1) to (4), section 4(1) and (2), section 14(2) to (4), section15(1) and section 20 of the Foster Children (Scotland) Act 1984 (c.56) and as such their date of commencement is 31st January 1985 by virtue of section 23(2) of that Act.

Sections 1 and 2 of the Act were consolidated as sections 1 and 2 of the Adoption (Scotland) Act 1978 (c.28) and as such their date of commencement is 1st February 1985 by virtue of The Adoption (Scotland) Act 1978 Commencement Order 1984 (S.I. 1984/1050).

ENGLAND AND WALES

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

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