

**Changes to legislation:** Children and Young People (Scotland) Act 2014, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 5

(introduced by section 98)

### MODIFICATION OF ENACTMENTS

#### *Social Work (Scotland) Act 1968*

- 1 In section 5 of the Social Work (Scotland) Act 1968—
- (a) in subsection (1)—
    - (i) for “1995 and” substitute “ 1995, ”,
    - (ii) after “2013 (asp 1)” insert “ Part 6 (in so far as it applies to looked after children) and Parts 12 and 13 of the Children and Young People (Scotland) Act 2014 (asp 8) ”,
  - (b) in subsection (1B), after paragraph (s) insert—
    - “(t) Part 6 (in so far as it applies to looked after children) of the Children and Young People (Scotland) Act 2014 (asp 8).”,
  - (c) after subsection (1B) insert—
    - “(1C) In subsections (1) and (1B) of this section, the references to looked after children are to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.”.

#### Commencement Information

- II** Sch. 5 para. 1 in force at 1.8.2014 by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#) (with [art. 4](#))

#### *Education (Scotland) Act 1980*

- 2 (1) The 1980 Act is amended as follows.
- (2) In section 1—
- (a) in subsection (1A), for the words from first “as” to “order” substitute “ to the extent required by section 47(1) of the Children and Young People (Scotland) Act 2014 ”,
  - (b) omit subsections (1B) and (4A),
  - (c) in subsection (5)(a), for sub-paragraph (i) substitute—
    - “(i) early learning and childcare;”.
- (3) In section 53A(2), for “53(3)” substitute “ 53 ”.
- (4) In section 53B—
- (a) in subsection (1)—
    - (i) after “applies” insert “ , subject to subsection (1A), ”,
    - (ii) for “53(3)” substitute “ 53 ”,
  - (b) after subsection (1), insert—
    - “(1A) This section does not apply in such circumstances as the Scottish Ministers may by regulations prescribe.”,
  - (c) in subsection (5)(b), for “53(3)” substitute “ 53 ”.
- (5) In section 133—
- (a) in subsection (2), for “(2ZA)” substitute “ (2YA) ”,

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(b) after subsection (2), insert—

“(2YA) Subsection (2) above shall not apply to any regulations under section 53(3)(c) of this Act; and such regulations shall be subject to the affirmative procedure.”.

(6) In section 135—

(a) after the definition of “dental treatment” insert—

““early learning and childcare” has the same meaning as in Part 6 of the Children and Young People (Scotland) Act 2014;”,

(b) for the definitions of “nursery school” and “nursery class” substitute—

““nursery schools” and “nursery classes” are schools and classes which provide early learning and childcare;”.

#### Commencement Information

- I2** Sch. 5 para. 2(1)(6) in force at 28.6.2014 by [S.S.I. 2014/131](#), [art. 2\(1\)](#)
- I3** Sch. 5 para. 2(2) in force at 1.8.2014 by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#)
- I4** Sch. 5 para. 2(3) in force at 5.1.2015 by [S.S.I. 2014/314](#), [art. 2](#), [Sch.](#)
- I5** Sch. 5 para. 2(4)(a)(c)(5)(a) in force at 5.1.2015 by [S.S.I. 2014/314](#), [art. 2](#), [Sch.](#)
- I6** Sch. 5 para. 2(4)(b)(5)(b) in force at 1.8.2014 for specified purposes by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#)
- I7** Sch. 5 para. 2(4)(b)(5)(b) in force at 5.1.2015 in so far as not already in force by [S.S.I. 2014/314](#), [art. 2](#), [Sch.](#)

#### *Legal Aid (Scotland) Act 1986*

3 (1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 28F(1)(b), after “deemed” insert “, or is no longer to be deemed, ”.

(3) In section 37(2), after “28L(1) or (8),” insert “ 28LA(1), ”.

#### Commencement Information

- I8** Sch. 5 para. 3(1)(2) in force at 26.1.2015 by [S.S.I. 2014/353](#), [art. 2\(2\)\(3\)](#), [Sch.](#)
- I9** Sch. 5 para. 3(3) in force at 28.11.2016 by [S.S.I. 2016/254](#), [art. 3\(2\)\(b\)](#)

#### *Children (Scotland) Act 1995*

4 (1) The 1995 Act is amended as follows.

(2) Section 19 is repealed.

(3) In section 20, for subsection (2) substitute—

“(2) In subsection (1) above, “relevant services” means services provided by a local authority under or by virtue of—

- (a) this Part of this Act;
  - (b) the Children's Hearings (Scotland) Act 2011;
  - (c) Part 12 or 13 of the Children and Young People (Scotland) Act 2014;
- or

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- (d) any of the enactments mentioned in section 5(1B)(a) to (n), (r) or (t) of the Social Work (Scotland) Act 1968.”.
- (4) In section 44—
  - (a) for subsection (1) substitute—

“(1) No person shall publish any matter in respect of proceedings before a sheriff on an application under section 76(1) of this Act which is intended to, or is likely to, identify—

    - (a) the child concerned in, or any other child connected (in any way) with, the proceedings; or
    - (b) any address or school as being that of any such child.”,
  - (b) in subsection (5)—
    - (i) omit paragraphs (b) and (c),
    - (ii) in the full-out, omit “, the Court or the Secretary of State as the case may be”.

**Commencement Information**

**I10** Sch. 5 para. 4(1)(4) in force at 30.9.2015 by [S.S.I. 2015/317](#), [art. 2](#), [Sch.](#)

**I11** Sch. 5 para. 4(2)(3) in force at 1.4.2017 by [S.S.I. 2016/254](#), [art. 3\(3\)\(c\)](#)

*Criminal Procedure (Scotland) Act 1995*

- 5
- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
  - (2) In section 44(11), in the definition of “secure accommodation” for “2000 Act” in each place where it occurs substitute “Care Standards Act 2000”.
  - (3) In section 57A(16), in the definition of “relevant services” for “19(2)” substitute “20(2)”.

**Commencement Information**

**I12** Sch. 5 para. 5(1)(2) in force at 30.9.2015 by [S.S.I. 2015/317](#), [art. 2](#), [Sch.](#)

**I13** Sch. 5 para. 5(3) in force at 1.4.2017 by [S.S.I. 2016/254](#), [art. 3\(3\)\(c\)](#)

*Education Act 1996*

- 6
- Paragraph 11 of Schedule 37 to the Education Act 1996 is repealed.

**Commencement Information**

**I14** Sch. 5 para. 6 in force at 1.8.2014 by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

*Standards in Scotland's Schools Act 2000*

- 7
- In section 34 of the Standards in Scotland's Schools Act 2000—
    - (a) in paragraph (a), after “Act” insert “ and Part 6 of the Children and Young People (Scotland) Act 2014 ”,

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(b) in paragraph (b), for “that Act” substitute “ those Acts ”.

**Commencement Information**

**I15** Sch. 5 para. 7 in force at 28.6.2014 by [S.S.I. 2014/131](#), [art. 2\(1\)](#)

*Regulation of Care (Scotland) Act 2001*

- 8 In section 73(2)(a) of the Regulation of Care (Scotland) Act 2001—
- (a) after first “provided” insert “ under subsection (1) or (5A)(a) of that section ”,
  - (b) for “the subsection in question” substitute “ subsection (5A)(b) or (5B) of that section ”.

**Commencement Information**

**I16** Sch. 5 para. 8 in force at 1.4.2015 by [S.S.I. 2015/61](#), [art. 2\(1\)\(2\)](#), [Sch.](#)

*Mental Health (Care and Treatment) (Scotland) Act 2003*

- 9 In section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003, in the definition of “relevant services” for “19(2)” substitute “ 20(2) ”.

**Commencement Information**

**I17** Sch. 5 para. 9 in force at 1.4.2017 by [S.S.I. 2016/254](#), [art. 3\(3\)\(c\)](#)

*Education (Additional Support for Learning) (Scotland) Act 2004*

- 10 (1) The Education (Additional Support for Learning) (Scotland) Act 2004 is amended as follows.
- (2) In section 1(3)—
    - (a) in paragraph (a), for “a prescribed” substitute “ an eligible ”,
    - (b) in paragraph (b), for “a prescribed” substitute “ an eligible ”.
  - (3) In section 5(3)(a), in paragraph (a), for “a prescribed” substitute “ an eligible ”.
  - (4) In section 29(1)—
    - (a) after the definition of “co-ordinated support plan” insert—
 

““eligible pre-school child” has the same meaning as in Part 6 of the Children and Young People (Scotland) Act 2014,”
    - (b) omit the definition of “prescribed pre-school child”.

**Commencement Information**

**I18** Sch. 5 para. 10 in force at 1.8.2014 by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

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*Adoption and Children (Scotland) Act 2007*

- 11 (1) The Adoption and Children (Scotland) Act 2007 is amended as follows.
- (2) Section 4 is repealed.
- (3) In section 6(1), omit “or 4”.
- (4) The title of section 6 becomes “ **Assistance in carrying out functions under section 1** ”.
- (5) In section 117(5)(a), after sub-paragraph (i) insert—  
“(ia) section 13A(2),  
(ib) section 13F(1),”.
- (6) In section 119(1), in paragraph (b) of the definition of “adoption agency”, after “sections” insert “ 13A, 13D, 13F, ”.

**Commencement Information**

- I19** Sch. 5 para. 11(1)(5)(6) in force at 30.9.2015 for specified purposes by [S.S.I. 2015/317](#), [art. 2](#), [Sch.](#)
- I20** Sch. 5 para. 11(1)(5)(6) in force at 1.4.2016 in so far as not already in force by [S.S.I. 2015/406](#), [art. 3\(2\)\(3\)](#), [Sch. Pt. 2](#)
- I21** Sch. 5 para. 11(2)(3)(4) in force at 1.4.2017 by [S.S.I. 2016/254](#), [art. 3\(3\)\(c\)](#)

*Children's Hearings (Scotland) Act 2011*

- 12 (1) The Children's Hearings (Scotland) Act 2011 is amended as follows.
- (2) In section 80(1), after “(2)” insert “ or (5A) ”.
- (3) In section 81—  
(a) in subsection (2), after “must” insert “ , unless that other matter is a matter mentioned in section 79(5A)(a), ”,  
(b) in subsection (5)(b), after sub-paragraph (iv) insert—  
“(iva) section 81A,”.
- (4) In section 94(3), for the second “of” substitute “ given in compliance with section 90(1) in relation to ”.
- (5) In section 105, after subsection (1) insert—  
“(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.”.
- (6) In section 106, after subsection (1) insert—  
“(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.”.
- (7) In section 142, after subsection (1) insert—

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“(1A) But this section does not apply where the matter of whether the individual should continue to be deemed to be a relevant person in relation to the child—

- (a) has been determined by a meeting of a pre-hearing panel held in relation to the children's hearing, or
- (b) is, by virtue of section 80(3), to be determined by the children's hearing.”.

(8) In section 160, for subsection (1)(a) substitute—

- “(a) a determination of a pre-hearing panel or a children's hearing that an individual—
  - (i) is or is not to be deemed a relevant person in relation to a child,
  - (ii) is to continue to be deemed, or is no longer to be deemed, a relevant person in relation to a child,”.

(9) In section 202(1), after the definition of “super-affirmative procedure” insert—

““supporting facts” has the meaning given by section 90(1D),”.

(10) In schedule 6, in the entry for the 1995 Act—

- (a) at the end of the reference to sections 39 to 74 insert “, except section 44 ”,
- (b) in the reference to section 105, omit “44,”.

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#### Commencement Information

**I22** Sch. 5 para. 12(1)-(9) in force at 26.1.2015 by [S.S.I. 2014/353](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

**I23** Sch. 5 para. 12(10) in force at 30.9.2015 by [S.S.I. 2015/317](#), [art. 2](#), [Sch.](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) revocation of earlier commencing provision S.S.I. 2016/60, art. 2(a)(i)(ii) by [S.S.I. 2016/233 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 16A inserted by [2024 asp 5 s. 25\(2\)](#)