
Changes to legislation: Children (Scotland) Act 1995, Paragraph 7 is up to date with all changes known to be in force on or before 12 April 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

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Children and Young Persons (Scotland) Act 1937 (c. 37)

- 7 (1) The Children and Young Persons (Scotland) Act 1937 shall be amended in accordance with this paragraph.
- (2) In section 12 (cruelty to persons under sixteen)—
- (a) in subsection (1), for the words from “has the custody” to “that age” substitute “ who has parental responsibilities in relation to a child or to a young person under that age or has charge or care of a child or such a young person, ”;
 - (b) in subsection (2)(a), after the words “young person” insert “ or the legal guardian of a child or young person ”; and
 - (c) in subsection (4), for the words from “of whom” to “or care” substitute “ and he had parental responsibilities in relation to, or charge or care of, that child or young person ”.
- (3) In section 15 (causing or allowing persons under sixteen to be used for begging), in each of subsections (1) and (2), for the words “the custody” substitute “ parental responsibilities in relation to, or having ”.
- (4) In section 22 (exposing children under seven to risk of burning), for the words from “having the custody” to “seven years” substitute “ and who has parental responsibilities in relation to a child under the age of seven years or charge or care of such a child ”.
- (5) In section 27 (interpretation)—
- (a) the first paragraph shall cease to have effect; and
 - (b) in the second paragraph, for the words “the custody of” substitute “ parental responsibilities in relation to ”.
- (6) In section 110(1) (interpretation)—
- (a) after the definition of “local authority” insert—
 - ““parental responsibilities” has the same meaning as in section 1(3) of the Children (Scotland) Act 1995 and includes the responsibilities which a father would have as a parent but for the operation of section 3(1)(b) of that Act;”;
 - (b) for the definition of “Place of Safety”, substitute
 - ““place of safety” has the meaning give by section 93(1) of the Children (Scotland) Act 1995;”;
 - (c) for the definition of “Residential establishment” substitute

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““residential establishment” has the meaning given by the said section 93(1);”.

Commencement Information

- II** Sch. 4 para. 7 wholly in force at 1.4.1997; Sch. 4 para. 7 not in force at Royal Assent see s. 105(1); Sch. 2 para. 7(1)(5)(6)(a) in force at 1.11.1996 by S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7) (as amended (19.1.1997) by S.I. 1997/137, art. 2); Sch. 4 para. 7 in force at 1.4.1997 insofar as not already in force by S.I. 1996/3201, art. 3(7) (with arts. 4-6) (as amended (7.3.1997) by S.I. 1997/744, arts. 2, 3)

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

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by [S.I. 2010/1906, reg. 2](#))

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

- [s. 3\(3A\)\(ba\)](#) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- [s. 4B](#) inserted by [2020 asp 16 s. 28\(2\)](#)
- [s. 6\(1A\)-\(1D\)](#) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- [s. 10\(1A\)](#) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- [s. 11\(14\)](#) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- [s. 11B11C](#) inserted by [2020 asp 16 s. 8\(2\)](#)
- [s. 11B\(2\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11D](#) inserted by [2020 asp 16 s. 17\(2\)](#)
- [s. 11D\(3\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11E](#) inserted by [2020 asp 16 s. 18\(2\)](#)
- [s. 11F](#) inserted by [2020 asp 16 s. 20\(2\)](#)
- [s. 11G](#) inserted by [2020 asp 16 s. 22\(2\)](#)
- [s. 11ZA11ZB](#) inserted by [2020 asp 16 s. 1\(4\)](#)
- [s. 11ZA\(2A\)](#) inserted by [2020 asp 16 s. 30\(2\)](#)
- [s. 11ZA\(3\)\(f\)](#) inserted by [2020 asp 16 s. 16\(2\)](#)
- [s. 16\(1A\)](#) inserted by [2020 asp 16 s. 30\(3\)](#)
- [s. 16\(2\)-\(2B\)](#) substituted for [s. 16\(2\)](#) by [2020 asp 16 s. 1\(6\)](#)
- [s. 100A](#) inserted by [2020 asp 16 s. 21\(2\)](#)
- [s. 101D](#) inserted by [2020 asp 16 s. 11\(2\)](#)
- [s. 101E](#) inserted by [2020 asp 16 s. 12\(2\)](#)