
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

It commences section 91 of the 2014 Act (which inserts a new section 44A into the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), so far as not already in force, with effect from 1st February 2016. This section was partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make regulations under section 44A(5).

Article 4 makes saving provision so that, despite the Order commencing section 91 of the 2014 Act on 1st February 2016, the 1995 Act will continue to apply as it did before that date (ie without section 44A) in relation to any decision to detain a child in secure accommodation in pursuance of an order made under section 44 of the 1995 Act, where that decision was taken before 1st February 2016.

The Order partially commences provisions within Parts 4 (provision of named persons) and 5 (child’s plan) of the 2014 Act, with effect from 5th January 2016, for the limited purpose of enabling the Scottish Ministers to make orders in accordance with the powers contained in those Parts.

The Order commences section 96 of the 2014 Act (which relates to the assessment of wellbeing under the Act), so far as not already in force, with effect from 5th January 2016. This section has been partially commenced by earlier commencement orders.

Sections 71 and 73 of the 2014 Act are commenced, so far as not already in force, with effect from 1st April 2016. These sections are contained within Part 13 of the 2014 Act (support for kinship care) and were partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make orders under the sections.

The Order also commences section 75 of, and paragraph 11(1), (5) and (6) of schedule 5 to, the 2014 Act so far as not already in force, with effect from 1st April 2016. These provisions relate to Scotland’s Adoption Register, and amendments to the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”). They were partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make regulations under section 13A(2) of the 2007 Act. Section 98 of the 2014 Act is partially commenced to allow paragraph 11(1), (5) and (6) of the schedule to operate.