

SCHEDULES

SCHEDULE 3

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Modifications etc. (not altering text)

C1The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Children and Young Persons Act 1933 (23 and 24 Geo. 5 c. 12)

1

In section 1(1)(b), for the words “one hundred pounds” there are substituted the words “£400”.

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

2

In section 12(1)(b) for the words “twenty-five pounds” there is substituted “£400”.

3

.....F1

Textual Amendments

F1Sch. 3 para. 3 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. VII

4—6

.....F2

Textual Amendments

F2Sch. 3 paras. 4–6 repealed (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

Marriage Act 1949 (c. 76)

7

In section 3(1), after the words “shall be required” there are inserted the words “unless the infant is subject to a custodianship order, when the consent of the custodian and, where the custodian is the husband or wife of a parent of the infant, of that parent shall be required”.

8

In Part I of Schedule 1—

(a)after “Mother” there is inserted “Adoptive mother or former adoptive mother” ;
(b)after “Daughter” there is inserted “Adoptive daughter or former adoptive daughter” ;
(c)after “Father” there is inserted “Adoptive father or former adoptive father” ;

*Changes to legislation: There are currently no known outstanding effects
for the Children Act 1975, SCHEDULE 3. (See end of Document for details)*

- (d) after “Son” there is inserted “Adoptive son or former adoptive son”.
- 9 In Schedule 2 in paragraph 2(b) after the words “deceased parent” there are inserted the words “or by the court under section 3 of the Guardianship of Minors Act 1971”.

Maintenance Orders Act 1950 (c. 37)

- 10 In section 15, after the words “Maintenance Orders (Reciprocal Enforcement) Act 1972” there are inserted the words “or sections 33 to 45 of the Children Act 1975”.
- 11 In section 16(2)(a), after sub-paragraph (v) there are inserted the following sub-paragraphs—
- “(vi) section 4 of the Affiliation Proceedings Act 1957 on an application made under section 45 of the Children Act 1975 ;
- (vii) section 34(1)(b) of the Children Act 1975 ;”.

12 F3

Textual Amendments

- F3** Sch. 3 para. 12 repealed by [Domestic Proceedings and Magistrates' Court Act 1978 \(c. 22, SIF 49:3\)](#), Sch. 3

Births and Deaths Registration Act 1953 (c. 20)

- 13 (1) For “living new-born child” in each place where it occurs, except sections 6, 7, 8, 34(3) and 36, there is substituted “still-born child”.
- (2) In section 1(2) after paragraph (d) there is added—
- “(e) in the case of a still-born child found exposed, the person who found the child.”
- (3) In section 14(1)(a) after “section 10” there is inserted “or 10A”.
- (4) In section 30 after subsection (1) there is inserted the following subsection—
- “(1A) The Registrar General shall cause an index to be made and kept in the General Register Office of the entries in the register kept by him under section 3A of this Act.”
- (5) In section 34—
- (a) in subsection (2) after paragraph (c) there is added the following paragraph—
- “(d) in relation to the re-registration of a birth under section 9(5) of this Act”;
- (b) in subsection (3) after “new-born child” there is inserted “or still-born child”.
- (6) In section 41—
- (a) after the definition of “disposal” there is inserted the following definition— “father” , in relation to an adopted child, means the child’s natural father ; ” ;
- (b) after the definition of “the Minister” there is inserted the following definition — “ “mother” , in relation to an adopted child, means the child’s natural mother ; ” .

*Changes to legislation: There are currently no known outstanding effects
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[^{F4}Affiliation Proceedings Act 1957 (c. 55)]

Textual Amendments

F4 Sch. 3 para. 14 repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), Sch. 4

- 14 In section 5(2) there is inserted at the end the following paragraph—
“(e) section 45 of the Children Act 1975 (which enables the custodian of
a child to apply for an affiliation order under this Act within three
years after the making of the custodianship order).”.

15 ^{F5}

Textual Amendments

F5 Sch. 3 para. 15 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3,
Sch. 1 Pt. I

Children Act 1958 (6 & 7 Eliz. 2 c. 65)

- 16 In section 2, as it applies in England and Wales,—
[^{F6}(a) in subsection (1), after the word “guardian” there is inserted the word
“custodian” ;]
[^{F7}(b) in subsection (4A),—
(i) for the words “registered adoption society as is referred to in
Part II of the Adoption Act 1958” there are substituted the words
“adoption society approved under Part I of the Children Act 1975”,
and
(ii) for the words “that Act” there are substituted the words “the
Adoption Act 1958”.]

Textual Amendments

F6 Sch. 3 para. 16(a) repealed (E.W.) by Foster Children Act 1980 (c. 6, SIF 20), Sch. 3

F7 Sch. 3 para. 16(b) repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), Sch. 4

17 ^{F8}

Textual Amendments

F8 Sch. 3 para. 17 repealed (31.1.1985) by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), s. 22, Sch.
3 and also expressed to be repealed by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), Sch. 4

18—20. ^{F9}

Textual Amendments

F9 Sch. 3 paras. 18—20 repealed (E.W.) by Foster Children Act 1980 (c. 6, SIF 20), Sch. 3 and (S.) by Foster
Children (Scotland) Act 1984 (c. 56, SIF 20), Sch. 3

*Changes to legislation: There are currently no known outstanding effects
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21—40. F10

Textual Amendments

F10 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), Sch. 2, para. 3, **Sch. 4** and (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), **Sch. 4**

County Courts Act 1959 (c. 22)

- 41 In section 109(2) the following paragraph is inserted after paragraph (g)—
“(h) any proceedings under the Guardianship of Minors Acts 1971 and 1973 or the Children Act 1975.”

^{F11} Children and Young Persons Act 1963 (c. 37)

Textual Amendments

F11 Sch. 3 para. 42 repealed (E.W.) by [Child Care Act 1980 \(c. 5, SIF 20\)](#), **Sch. 6**

- 42 In section 49(1), for the words “twenty pounds” there are substituted the words “£100”.]

Perpetuities and Accumulations Act 1964 (c. 55)

- 43 In section 4, the following subsection is inserted at the end—
“(7) For the avoidance of doubt it is hereby declared that a question arising under section 3 of this Act or subsection (1)(a) above of whether a disposition would be void apart from this section is to be determined as if subsection (6) above had been a separate section of this Act.”

44, 45. F12

Textual Amendments

F12 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), Sch. 2, para. 3, **Sch. 4** and (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), **Sch. 4**

Health Services and Public Health Act 1968 (c. 46)

- 46 For section 64(3)(a) there is substituted—
“(a) “the relevant enactments” means—
(i) Parts III and IV of the Children and Young Persons Act 1933,
(ii) the National Health Service Act 1946,
(iii) Part III of the National Assistance Act 1948,
(iv) the Children Act 1948,
(v) the Adoption Act 1958,
(vi) the Children Act 1958,

Changes to legislation: There are currently no known outstanding effects
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- (vii) section 9 of the Mental Health Act 1959.
- (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (ix) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (x) the Children and Young Persons Act 1963, except Part II and section 56,
- (xi) this Act,
- (xii) the Adoption Act 1968,
- (xiii) section 7(4) of the Family Law Reform Act 1969,
- (xiv) the Children and Young Persons Act 1969, except so far as it relates to any voluntary home designated as mentioned in section 39(1) of that Act as a controlled or assisted community home.
- (xv) section 43 of the Matrimonial Causes Act 1973,
- (xvi) the National Health Service Reorganisation Act 1973,
- (xvii) the Children Act 1975.”

47 For section 65(3)(b) there is substituted—

“(b) “the relevant enactments” means—

- (i) Parts III and IV of the Children and Young Persons Act 1933,
- (ii) Part III of the National Health Service Act 1946.
- (iii) Part III of the National Assistance Act 1948,
- (iv) the Children Act 1948,
- (v) the Adoption Act 1958,
- (vi) section 3 of the Disabled Persons (Employment) Act 1958,
- (vii) the Children Act 1958,
- (viii) section 9 of the Mental Health Act 1959,
- (ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (x) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (xi) the Children and Young Persons Act 1963, except Part II and section 56,
- (xii) this Act,
- (xiii) the Adoption Act 1968,
- (xiv) section 7(4) of the Family Law Reform Act 1969,
- (xv) the Children and Young Persons Act 1969,
- (xvi) section 43 of the Matrimonial Causes Act 1973,
- (xvii) the National Health Service Reorganisation Act 1973,
- (xviii) the Children Act 1975.”

Social Work (Scotland) Act 1968 (c. 49)

48 In section 2(2) (functions of the social work committee), the following paragraph is inserted after paragraph (g)—

“(h) the Children Act 1975.”.

*Changes to legislation: There are currently no known outstanding effects
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49 For section 5(2) there is substituted—

“(2) The Secretary of State may make regulations in relation to—

- (a) the performance of the functions assigned to local authorities by this Act ;
- (b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes ;
- (c) the performance of the functions referred to social work committees under section 2(2)(b) to (e) and (h) of this Act.
- (d) the performance of the functions transferred to local authorities by section 1(4)(a) of this Act.”.

50 [F13]In section 6(1)(b), after sub-paragraph (ii) there is inserted the following sub-paragraph—

“(iii) a child who has been placed for adoption by an adoption agency (within the meaning of section 1 of the Children Act 1975) ;”.]

Textual Amendments

F13 Sch. 3 para. 50 repealed (S.) (23.2.2006) by Joint Inspection of Childrens Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3), ss. 8(4)(b), 10(2)

51 In section 10—

- (a) in subsection (1), for the words from “with his functions” to the end there is substituted “with—

- (a) his functions ;
- (b) the functions of local authorities, under this Act or under the enactments specified in paragraph (a) of section 1(4) and paragraphs (b) to (e) and (h) of section 2(2) of this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.”;

- (b) after subsection (3) there is inserted—

“(3A) In subsection (3) above, “voluntary organisation the sole or primary object of which is to promote social welfare” includes an adoption society approved under Part I of the Children Act 1975.”.

F14 52

Textual Amendments

F14 Sch. 3 para. 52 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F15 53

Textual Amendments

F15 Sch. 3 para. 53 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

*Changes to legislation: There are currently no known outstanding effects
for the Children Act 1975, SCHEDULE 3. (See end of Document for details)*

F16 54

Textual Amendments

F16 Sch. 3 para. 54 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F17 55

Textual Amendments

F17 Sch. 3 para. 55 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F18 56

Textual Amendments

F18 Sch. 3 para. 56 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F19 57

Textual Amendments

F19 Sch. 3 para. 57 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

58 In section 69—
(a) in subsection (1), at the end there are added the following words— “ ;
and a court, if satisfied that there are reasonable grounds for believing that
the child is within any premises, may grant a search warrant authorising a
constable to search those premises for the child.”.
(b) for subsection (5) there is substituted—

“(5) In this and the next following section any reference—
(a) to a child absconding includes a reference to his being unlawfully
taken away;
(b) to a child absconding from a place or from the control of a person
includes a reference to his absconding while being taken to, or
awaiting being taken to, that place or that person as the case may
be.”.

59 In section 70, at the end there are added the following words— “; and a court,
if satisfied that there are reasonable grounds for believing that the child is within
any premises, may grant a search warrant authorising a constable to search those
premises for the child.”.

60 In section 7, for the words “one hundred pounds” there is substituted “£400”.

61, 62. F20

*Changes to legislation: There are currently no known outstanding effects
for the Children Act 1975, SCHEDULE 3. (See end of Document for details)*

Textual Amendments

F20 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), Sch. 2, para. 3, [Sch. 4](#) and (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), [Sch. 4](#)

63 **F21**

Textual Amendments

F21 Sch. 3 para. 63 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#) and also expressed to be repealed by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#)

64, 65. **F22**

Textual Amendments

F22 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), Sch. 2, para. 3, [Sch. 4](#) and (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), [Sch. 4](#)

66 **F23**

Textual Amendments

F23 Sch. 3 para. 66 repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), [Sch. 1 Pt. 1](#)

Children and Young Persons Act 1969 (c. 54)

67 In section 1(2) the following paragraph is inserted after paragraph (b)—
“(bb) it is probable that the conditions set out in paragraph (a) of this subsection will be satisfied in his case, having regard to the fact that a person who has been convicted of an offence mentioned in Schedule 1 to the Act of 1933 is, or may become, a member of the same household as the child ;”

68 The following section is inserted after section 11—

“11A Local authority functions under certain supervision orders.

The Secretary of State may make regulations with respect to the exercise by a local authority of their functions in a case where a person has been placed under their supervision by an order made under section 1(3)(b) or 21(2) of this Act.”

69 In section 21—

(a) the following subsection is inserted after subsection (2)—

“(2A) A juvenile court shall not make an order under subsection (2) of this section in the case of a person who has not attained the age of 18 and appears to the court to be in need of care or control unless the court is satisfied that, whether through the making

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975, SCHEDULE 3. (See end of Document for details)

of a supervision order or otherwise, he will receive that care or control.”;

- (b) in subsection (3) for “the preceding subsection” there is substituted “subsection (2) of this section”.

70 The following section is inserted after section 21—

“21A Termination of care order on adoption, etc.

A care order relating to a child shall cease to have effect—

- (a) on the adoption of the child ;
- (b) if an order under section 14 or section 25 of the Children Act 1975 is made in relation to the child ;
- (c) if an order similar to an order under section 25 of the Children Act 1975 is made in Northern Ireland, the Isle of Man or any of the Channel Islands in relation to the child.”

[^{F24}71 In section 27—

- (a) in subsection (3), for the words “their general duty aforesaid” there are substituted the words “their general duty under section 12(1) of the Children Act 1948” ;
- (b) the following subsections are substituted for subsection (4)—

“(4) Without prejudice to their general duty under the said section 12, it shall be the duty of a local authority to review the case of each child in their care in accordance with regulations made under the following subsection.

(5) The Secretary of State may by regulations make provision as to—

- (a) the manner in which cases are to be reviewed under this section ;
- (b) the considerations to which the local authority are to have regard in reviewing cases under this section ; and
- (c) the time when a child’s case is first to be reviewed and the frequency of subsequent reviews under this section.”]

Textual Amendments

F24 Sch. 3 paras. 71 and 72 repealed (E.W.) by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 90(3) Sch. 6

[^{F25}72 In section 58(1), the following paragraph is inserted after paragraph (b)—

“(bb) premises in which a child is living with a person other than his parent, guardian, relative or custodian, with whom he has been placed by an adoption agency (within the meaning of section I of the Children Act 1975) ;”.]

Textual Amendments

F25 Sch. 3 paras. 71 and 72 repealed (E.W.) by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 90(3) Sch. 6

*Changes to legislation: There are currently no known outstanding effects
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Administration of justice Act 1970 (c. 31)

- 73 ^{F26}(1) In Schedule 1—
- (a) after “Appellate Business” there is inserted the following paragraph—
“Proceedings on appeal under section 4A of the Children Act 1948 ;” ;
 - (b) at the end there is inserted the following paragraph—
“Proceedings on appeal under the Children Act 1975”.]
- (2) In schedule 8—
- (a) in paragraph 5, after the words “Social Security Act 1966” there are inserted the words “or section 45 of the Children Act 1975” ;
 - (b) after paragraph 11, there is inserted the following paragraph—
“12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”

Textual Amendments

F26 Sch. 3 para. 73(1) repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

Local Authority Social Services Act 1970 (c. 42)

- 74 In Schedule 1—
- (a) ^{F27}
 - (b) the following is inserted at the end—

“Children Act 1975 (c. 72)

Part I ...	Maintenance of Adoption Service ; function of local authority as adoption agency ; applications for orders freeing children for adoption ; inquiries carried out by local authorities in adoption cases.
Part II ...	Application by local authority for revocation of custodianship order ; inquiries carried out by local authority in custodianship cases.”.

Textual Amendments

F27 Sch. 3 para. 74(a) repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), s. 73(3), Sch. 4)

Guardianship of Minors Act 1971 (c. 3)

- 75 ^{F28}(1) In section 9—
- (a) in subsection (2) for “any person (whether or not one of the parents)” there is substituted “one of the parents” and the words “or either of the parents” are repealed

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975, SCHEDULE 3. (See end of Document for details)

- (b) in subsection (3), the proviso is repealed ;
 - (c) in subsection (4), the words from “or (before or after the death of either parent)” to the end are repealed ;
 - (d) the following subsections are inserted after subsection (4)—
 - “(5) An order shall not be made under subsection (1) of this section giving custody to a person other than the mother or father.
 - (6) An order shall not be made under subsection (1) of this section at any time when the minor is free for adoption (within the meaning of section 12(6) of the Children Act 1975)”.]
- (2) In section 13(2), after the words “order for the payment of money” there are inserted the words “made by a magistrates’ court”.
- (3) In section 16—
- (a) in subsection (1) for “the High Court shall” there is substituted “the High Court may” ;
 - (b) in subsection (4) for “the magistrates’ court may” there is substituted “the magistrates’ court shall” ;
 - (c) in subsection (5), for the words from “section 9” to “so given” there are substituted the words “section 3(3) or 4(3A) of the Guardianship Act 1973 for the discharge or variation of a supervision order or, as the case may be, an order giving the care of a minor to a local authority or an order requiring payments to be made to an authority to whom care of a minor is so given”.

Textual Amendments

F28 Sch. 3 para. 75(1) repealed (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(4), [Sch. 4](#)

Attachment of Earnings Act 1971 (c. 32)

- 76 In Schedule 1—
- (a) in paragraph 6, after the words “Social Security Act 1966” there are inserted the words “or section 45 of the Children Act 1975” ;
 - (b) after paragraph 11, there is inserted the following paragraph—

“12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”

77 **F29**

Textual Amendments

F29 Sch. 3 para. 77 repealed by Parliamentary and other [Pensions Act 1987 \(c. 45, SIF 89\)](#), s. 6, [Sch. 3 para. 1\(4\)](#), [Sch. 4](#)

Matrimonial Causes Act 1973 (c. 18)

- 78 In section 44(1), for the words “custody of any person” there are substituted the words “care of any person”.

79 In section 50(1), at the end of paragraph (e) there are inserted the following words—

“or

(b) proceedings to which section 100(7)(d) of the Children Act 1975 applies (certain applications for revocation and variation of custodianship etc. orders);”.

80 (1) In section 4(3) for the words from “the following provisions” to the end there are substituted the following words “sections 12(2) and 13 of the Guardianship of Minors Act 1971 shall apply as if the order made under section 2 of this Act were an order under section 9 of the Guardianship of Minors Act 1971.”

“(3A) An order under section 2(2)(b) or (3) above relating to a minor may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under the Guardianship of Minors Act 1971 or on the application of the local authority to whose care the minor was committed by the order under section 2(2)(b).”

82 F30

F30 Sch. 3 para. 82 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

F31 Sch. 3 para. 83 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), **Sch. 1 Pt. 1**

Changes to legislation:

There are currently no known outstanding effects for the Children Act 1975, SCHEDULE 3.