

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 1975, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 108.

#### FURTHER REPEALS

##### **Modifications etc. (not altering text)**

- C1** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### PART I

##### STATUS OF ADOPTED CHILD

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
16 & 17 Geo. 5. c. 29	Adoption of Children Act 1926.	The whole Act so far as unrepealed
3 & 4 Geo. 6. c. 42.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	Section 2(1) and (3).
11 & 12 Geo. 6. c. 43.	Children Act 1948.	In section 59(1), in the definition of “parent”, paragraph (a).
11 & 12 Geo. 6. c. 53.	Nurseries and Child-Minders Regulation Act 1948.	In section 13(2), in the definition of “relative” (as inserted by section 13 of the Adoption of Children Act 1949), paragraph (a).
12 & 13 Geo. 6. c. 76.	Marriage Act 1949.	In section 68(3), the words from “includes” to “but”.
12, 13 & 14 Geo. 6. c. 98.	Adoption of Children Act 1949.	Section 13(1)(a).
14 & 15 Geo. 6. c. 11.	Administration of Justice(Pensions) Act 1950.	Section 26(2).
1 & 2 Eliz. 2. c. 20.	Births and Deaths Registration Act 1953.	In section 41, in the definition of “relative” the words from “and in relation to” to the end.
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 150(5), in the paragraph relating to a child

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		of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	In section 15(5), in the paragraph relating to a child of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In section 28(4), in paragraph (a) the words from “has been adopted” to “a girl who” and the words “(and has not been so adopted)”.
4 & 5 Eliz. 2. c. 70.	Marriage (Scotland) Act 1956.	In section 1(5), paragraph (a) and the words “or adoptive parent” in paragraph (b).
6 & 7 Eliz. 2. c. 65.	Children Act 1958.	In section 17, the definition of “parent”.
6 & 7 Eliz. 2. c. 40.	Matrimonial Proceedings (Children) Act 1958.	In section 7(1)(b), the words “or an adopted”.
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 7(3). Sections 13 and 14. Section 15(1), (2) and (3). Sections 16 and 17. Section 18(1). Section 25.
		In section 52(1) the words “(whether in law or in fact)”.
		In section 57(1), in the definition of “relative” paragraph (a).
		Section 58(2) and (3).
		In Schedule 5, paragraphs 1 to 4.
7 & 8 Eliz. 2. c. 65.	Fatal Accidents Act 1959.	In section 1, subsection (2)(a) and subsection (3).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In section 49, in subsection (2) the words from “an adopted person” to “as aforesaid”, and subsection (5).

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8 & 9 Eliz. 2. c. 48.	Matrimonial Proceedings (Magistrates Courts) Act 1960.	In section 16(1), the words “or adopted” and “but does not include a child adopted by some other person or persons”, and the words from “and ’adopted’” to the end.
8 & 9 Eliz. 2. c. 59.	Adoption Act 1960.	Section 1(2).
8 & 9 Eliz. 2. c. 61.	Mental Health (Scotland) Act 1960.	In section 45, in subsection (2) the words from “adopted person” to “person; and”; and subsection (5).
1964 c. 57.	Adoption Act 1964.	Section 1(1), (2) and (4).
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 56(1), in the definition of “relative” the words from “and in relation to” to the end.
1965 c. 53.	Family Allowances Act 1965.	Section 17(4).
1967 c. 29.	Housing Subsidies Act 1967.	In section 24(3)(c), the word “adopted”.
1967 c. 81.	Companies Act 1967.	In section 30(2), the words “and adopted son” and “and adopted daughter”.  In section 31(5), the words “and adopted son” and “and adopted daughter”.
1967 c. 88.	Leasehold Reform Act 1967.	In section 7(7), the words “and any adopted son or daughter”.  In section 18(3), the words “and any adopted son or daughter”.
1968 c. 49.	Social Work (Scotland) Act 1968.	In section 94(1), in the definition of “parent”, paragraph (a).
1968 c. 53.	Adoption Act 1968.	Section 4(1) and (2).  Section 10(2) and (3).
1968 c. 71.	Race Relations Act 1968.	In section 7(4) the words “and any adopted son or daughter”.
1971 c. 56.	Pensions (Increase) Act 1971.	In section 3(7), the words from “and includes” to the end.
1973 c. 16.	Education Act 1973.	In section 3(5), the words from “and a child” to the end.

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1973 c. 18.	Matrimonial Causes Act 1973.	In section 52(1), the definition of “adopted” and, in the definition of “child”, the words “or adopted”.
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	In section 4(5), the words from “and in its application” to the end.
1975 c. 14.	Social Security Act 1975.	In section 32(3)(c), the words “the same relationship by adoption and to include also”.  In section 71(6), the words “and a parent by adoption”.  In section 161(2), the words “a son or daughter by adoption and”.  In Schedule 20, in the definition of “relative” the words “or adoption”.
1975 c. 61.	Child Benefit Act 1975.	Section 24(3)(c).

The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

## PART II

### LEGITIMATION

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5 c. 60.	Legitimacy Act 1926. Section 1(3).	Sections 3 to 5.  In section 8(2), the words from “and to the taking” to “of a legitimated person”.  In section 11, the definitions of “disposition”, “intestate” and “entailed interest”.
1969 c. 46.	Family Law Reform Act 1969.	Section 14(8).  Section 15(4) and (6).

These repeals have effect subject to paragraph 12(9) of Schedule 1.

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### PART III

#### MISCELLANEOUS

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
23 & 24 Geo. 5 c. 12.	Children and Young Persons Act 1933.	In section 1, in subsection (1)(a), the words “not exceeding one hundred pounds”, and in subsection (5), the words from “the maximum” to “pounds, and”.
1937 c. 37.	Children and Young Persons (Scotland) Act 1937	In section 12, in subsection (1)(a), the words “not exceeding one hundred pounds”, and in subsection (5)(a) the words from “the maximum” to “pounds, and”.
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	In section 4(2), the words from “(either” to “brought up”. Section 7(1)(b) and (2). Section 21(3). In section 20(4), the words from “pursuant to” to “in force”. Section 49. In section 57(1) the definition of “infant”. Schedules I and 2.
1963 c. 37.	Children and Young Persons Act 1963.	Section 54.
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	Section 54(1)(d).
1968 c. 22.	Legitimation (Scotland) Act 1968.	In section 6(3), the words “or to subsection (1) of that section”.
1968 c. 53.	Adoption Act 1968.	Sections 1 to 3. In section 9(5), the words “or adoption”. In section 11(1), the definitions of “qualified infant”, “qualified person” and “qualified spouses”.

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		In section 12(1), the words “or under Part I of the Act of 1958 in its application to adoption orders and proposed adoption orders”, the words “or the said Part I” in both places where they occur and the words from “and the rules” to the end.
		In section 14(3), the words from “except the” to “1958 and”.
1969 c. 54.	Children and Young Persons Act 1969.	Section 27(2).
1973 c. 29.	Guardianship Act 1973.	Section 3(5).

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These repeals take effect on 1st January 1976.

## PART IV

### ADOPTION ORDERS

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Sections 1 and 2. Sections 4 and 5. Section 7(1)(a) and (c) and (3). Section 9(1) and (5). Section 10. Section 11 (1) and (3). Section 12. Section 21(2).
1966 c. 19.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1966.	Section 4.
1971 c. 3.	Guardianship of Minors Act 1971.	Section 16(2).

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These repeals take effect on the date section 8(1) comes into force.

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## PART V

### CHILDREN IN CARE OF LOCAL AUTHORITIES

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 43.	Children Act 1948.	Section 3(1) and (2).
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 15(4) and (5).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In Schedule 7, the entry relating to the Children Act 1948.
1963 c. 37.	Children and Young Persons Act 1963.	Section 48.
1968 c. 49.	Social Work (Scotland) Act 1968.	Section 17(1) and (2).  In section 18(4) the words “but where on such an application the court appoints a guardian the resolution shall cease to have effect”.
1971 c. 3.	Guardianship of Minors Act 1971.	In section 5(2) the words from “but where” to the end.

These repeals take effect on the date sections 57 and 74 come into force.

## PART VI

### REGISTRATION OF BIRTHS

Chapter	Short Title	Extent of Repeal
1953 c. 20.	Births and Deaths Registration Act 1953.	In section 3, the words “and of any person in whose charge the child may be placed” and the proviso.  In section 6, the words “or finding” and in that section and in section 7 the words “or from the date when any living new-born child is found exposed”.  In section 8, the words “or, in the case of a living newborn child found exposed, from the date of the finding”.

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1969 c. 46.	Family Law Reform Act 1969.	In section 36(a), the words “or any living new born child”. Section 27(2), (3), (4) and (5).
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These repeals take effect on the date section 92 comes into force.

## PART VII

### ADOPTION AGENCIES

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 28(2). Sections 30 and 31. In section 32(3) the words from “children” to the end. In section 57(1) the definitions of “charitable association” and “registered adoption society”. Schedule 3.
1970 c. 42.	Local Authority Social Services Act 1970.	In column 2 of Schedule 1, the words “Making etc. arrangements for the adoption of children; regulation of adoption societies.”.

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These repeals take effect on the date section 4 comes into force.

## PART VIII

### ADOPTION: EVIDENCE OF AGREEMENT & GUARDIANS AD LITEM

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 6. Section 9(7) and (8). Section 11(4) and (5).

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These repeals take effect on the date section 20 comes into force.

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## PART IX

### INQUIRIES ETC. BY ADOPTION AGENCIES

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<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 3. Section 8. Section 53. In section 57(1), the definition of “Compulsory School age”.

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These repeals take effect on the date section 18 comes into force.

## PART X

### GRANTS ETC. FOR VOLUNTARY ORGANISATIONS

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<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
10 & 11 Geo. 6 c. 43.	Children Act 1948.	Section 45(2). Section 46.
1969 c. 54.	Children and Young Persons Act 1969.	Section 65(2).

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These repeals take effect on the date paragraphs 46 and 47 of Schedule 3 come into force.

## PART XL

### PROTECTED CHILDREN

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<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	In section 37(1), paragraph (a), the words “of the person first mentioned in paragraph (a) of this subsection or, as the case may be,” and the words “but is not a foster child within the meaning of Part I of the Children Act 1958”. Section 37(2) and (5). Section 40(1), (2) and (3). Sections 41 and 42.

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In section 43(1), the words from “or in contravention” to “of this Act”.

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These repeals take effect on the date paragraph 31 of Schedule 3 comes into force.

## PART XLL

### CUSTODIANSHIP

Chapter	Short Title	Extent of Repeal
1973 c. 29.	Guardianship Act 1973.	<p>In section 2, in subsection (2)(b), the words “or to any other individual” and in subsection (4)(a) the words “or to any person given the custody of the minor”.</p> <p>In section 3(3), the words from “or (before)” to “section 9(1) of that Act” and the words from “and section 16(5)” to the end.</p>

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These repeals take effect on the date section 33 comes into force.

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