



# Child Care Act 1980

## 1980 CHAPTER 5

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

##### *Supplementary provisions*

#### **84 Prosecution of offences**

A local authority may institute proceedings for any offence under section 9(4) or 13(1) of this Act and any offence under Part VI of this Act.

#### **85 Regulations and orders**

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations, except an order under section 35(1) or 40(2) of this Act, shall be exercisable by statutory instrument.
- (2) Any statutory instrument made in exercise of any power to make regulations or orders conferred by this Act, except an instrument containing only an order under section 43 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any directions given by the Secretary of State under any provision of this Act may be revoked or varied by subsequent directions under that provision.
- (4) Any regulations made by the Secretary of State under section 11 or 39 of this Act or any order made by the Secretary of State under this Act may—
  - (a) make different provision for different circumstances;
  - (b) provide for exemptions from any provisions of the regulations or order; and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations or order.

---

*Status: This is the original version (as it was originally enacted).*

---

## **86 Provisions as to copies of orders**

A document purporting to be a copy—

- (a) of an order made by a court under or by virtue of any of the provisions contained in sections 47, 48 and 49 of this Act, or
  - (b) of an affiliation order referred to in an order under section 49 of this Act,
- shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

## **87 Interpretation**

(1) In this Act, unless the context otherwise requires—

- " arrears order " has the meaning assigned to it by section 51 of this Act;
- " care order " has the meaning assigned to it by section 20 of the Children and Young Persons Act 1969 ;
- " child " means a person under the age of eighteen years and any person who has attained that age and is the subject of a care order;
- " commission area " has the same meaning as in section 1 of the Justices of the Peace Act 1979 ;
- " compulsory school age " has the same meaning as in the Education Act 1944;
- " contribution order " has the meaning assigned to it by section 47 of this Act;
- " functions " includes powers and duties;
- " guardian " means a person appointed by deed or will or by order of a court of competent jurisdiction to be the guardian of a child;
- " hospital " has the meaning assigned to it by section 128(1) of the National Health Service Act 1977 ;
- " instrument of management " means an instrument of management made under section 35 of this Act;
- " interim order ", in relation to a care order, has the meaning assigned to it by section 20 of the Children and Young Persons Act 1969 ;
- " local authority " means the council of a county (other than a metropolitan county), of a metropolitan district or of a London borough or the Common Council of the City of London;
- " local education authority " means a local education authority for the purposes of the Education Act 1944 ;
- " parent ", in relation to a child who is illegitimate, means his mother, to the exclusion of his father ;
- " planning area " has the meaning assigned to it by section 31(1) of this Act;
- " regional plan " has the meaning assigned to it by section 32(1) of this Act;
- " relative ", in relation to a child, means a grand-parent, brother, sister, uncle or aunt, whether of the full blood, of the half blood, or by affinity, and includes, where the child is illegitimate, the father of the child and any person who would be a relative of the child within the meaning of this definition if the child were the legitimate child of his mother and father;
- " the relevant authorities ", in relation to a planning area, has the meaning assigned to it by section 31(3) of this Act;

---

*Status: This is the original version (as it was originally enacted).*

---

" supervision requirement" has the same meaning as in the Social Work (Scotland) Act 1968;

" trust deed." has the meaning assigned to it by section 36 of this Act;

" voluntary home " has the meaning assigned to it by section 56 of this Act;

"voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

- (2) Any reference in this Act to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament or by any Measure of the Northern Ireland Assembly, whether passed before or after this Act, and to any enactment of that Parliament or Assembly for the time being in force which re-enacts the said enactment with or without modifications.

## **88 Application to the Isles of Scilly**

This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Secretary of State may by order prescribe.

## **89 Transitional provisions, consequential amendments and repeals**

- (1) This Act shall have effect subject to the transitional provisions and savings set out in Schedule 4 to this Act.
- (2) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- (3) The enactments specified in Schedule 6 to this Act are repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 16 or 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

## **90 Commencement**

- (1) Subject to the provisions of subsections (2), (3) and (4) below, this Act shall come into force on such date as the Secretary of State may by order appoint.
- (2) If, on the date appointed under subsection (1) above, the provision of section 58 of the Children Act 1975 which provides for the insertion into the Children Act 1948 of section 4B (guardians ad litem and reports in care proceedings) is not in force, then section 7 of this Act (and the repeal by this Act of section 58 of the Act of 1975 and section 4B of the Act of 1948) shall not come into force until the date appointed under section 108(2) of the Act of 1975 for the coming into force of that provision.
- (3) If, on the date appointed under subsection (1) above, paragraph 71(b) of Schedule 3 to the Children Act 1975 is not in force, then section 20 of this Act (and the repeal by this Act of the said paragraph 71 and section 27(4) of the Children and Young Persons Act 1969) shall not come into force until the date appointed under section 108(2) of the Act of 1975 for the coming into force of that paragraph; and, until that paragraph is in force, section 20 of this Act shall have effect as if in subsection (1) of that section for

---

*Status: This is the original version (as it was originally enacted).*

---

the words from " to review the case " to the end of the section there were substituted the words—

“who have at any time had a child in their care throughout the preceding six months and have not during that period held a review of his case in pursuance of this section to review his case as soon as is practicable after the expiration of that period and, if a care order is in force with respect to him, to consider in the course of the review whether to make an application for the discharge of the order”.

- (4) If, on the date appointed under subsection (1) above, sections 60 to 63 of the Children Act 1975 (which relate to the transfer of parental rights and duties to voluntary organisations) are not in force, then sections 64 to 67 of this Act (and the repeal by this Act of the said sections 60 to 63) shall not come into force until the date appointed under section 108(2) of the Act of 1975 for the coming into force of those sections.

## **91 Short title and extent**

- (1) This Act may be cited as the Child Care Act 1980.
- (2) Except for the following provisions, that is to say—
- (a) section 2(4) and (5),
  - (b) section 16(1), (4) and (5).
  - (c) section 89(2) and paragraphs 2 to 4, 9 to 11, 13, 15, 16, 21 and 22 of Schedule 5,
  - (d) section 89(3) and Schedule 6 so far as they relate to—
    - the Adoption of Children Act 1949,
    - the Maintenance Orders Act 1950,
    - paragraph 38 of Schedule 3 to the Children and Young Persons Act 1963,
    - the entry relating to the Children Act 1948 in Schedule 3 to the Criminal Justice Act 1967,
    - the Social Work (Scotland) Act 1968, and section 32(1) of the Children and Young Persons Act 1969,
  - (e) section 90(1), and
  - (f) this section,
- this Act does not extend to Scotland.
- (3) Except for the following provisions, that is to say—
- (a) section 16,
  - (b) section 89(2) and paragraphs 2 and 3 of Schedule 5,
  - (c) section 89(3) and Schedule 6 so far as they relate to—
    - the Maintenance Orders Act 1950, and
    - section 32(1) of the Children and Young Persons Act 1969,
  - (d) section 90(1), and
  - (e) this section,
- this Act does not extend to Northern Ireland.
- (4) Section 16(1) and (5) of this Act and this section extend to the Channel Islands.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) It is hereby declared that the provisions of section 87 of this Act extend to each of the countries aforesaid so far as appropriate for the purposes of any other provision of this Act which extends to the country in question.