

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Child Care Act 1980 (repealed 14.10.1991), SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 89.

#### CONSEQUENTIAL AMENDMENTS

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

- C1** The text of s. 89(2)(3), Schs. 5 and 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

##### *Children and Young Persons Act 1933 (c. 12)*

- 1 In section 96 of the Children and Young Persons Act 1933 after subsection (1) there shall be inserted the following subsection—
- “(1A) The local authorities for the purposes of Parts III and IV of this Act shall be the councils of counties (other than metropolitan counties), of metropolitan districts and of London boroughs and the Common Council of the City of London.”.

##### *Maintenance Orders Act 1950 (c. 37)*

- 2 In section 15(1) of the Maintenance Orders Act 1950 after the words “Children Act 1975” there shall be inserted the words “ or section 55 of the Child Care Act 1980 ”.
- 3 In section 16(2)(a) of the said Act of 1950, in sub-paragraph (iv) for the words “section 26 of the Children Act 1948” there shall be substituted the words “ section 50 of the Child Care Act 1980 ” and in sub-paragraph (v) for the words “section 87 of the Children and Young Persons Act 1933” there shall be substituted the words “ section 47 of the Child Care Act 1980 ”.

##### *Affiliation Orders Act 1952 (c. 41)*

- 4 In section 3 of the Affiliation Orders Act 1952—
- (a) in subsection (3)(a)(ii) for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ” ;
- (b) in subsection (6) for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ”.

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*The Magistrates' Courts Act 1952 (c. 55)*

- 5 In section 56(1) of the Magistrates' Courts Act 1952 after paragraph (m) there shall be added the following paragraph—  
 “(n) section 47, 49 or 50 of the Child Care Act 1980 ;”.

*Affiliation Proceedings Act 1957 (c. 55)*

- 6 In section 5(2) of the Affiliation Proceedings Act 1957—  
 (a) for paragraph (a) there shall be substituted the following paragraph—  
 “(a) section 49 of the Child Care Act 1980 (which provides that, where an illegitimate child is in the care of a local authority, the authority entitled to receive contributions in respect of the child under section 45(2) of that Act may be given the benefit of payments under an affiliation order in respect of the child) ;” ;  
 (b) paragraph (b) shall be omitted ;  
 (c) in paragraph (d) for the words “section 26 of the Children Act 1948” there shall be substituted the words “ section 50 of the Child Care Act 1980 ”.

- 7 In section 6A(3) of the said Act of 1957 for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ”.

- 8 In section 7 of the said Act of 1957—  
 (a) in subsection (4)(a) for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ” ;  
 (b) in subsection (6) for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ”.

*Children Act 1958 (c. 65)*

- 9 In section 2(3)(b) of the Children Act 1958 for the words “Part V of the Children and Young Persons Act 1933” there shall be substituted the words “ Part VI of the Child Care Act 1980 ”.
- 10 In section 6(1)(d) of the said Act of 1958 after the words “Children Act 1948” there shall be inserted the words “ or under section 3 of the Child Care Act 1980 ”.
- 11 In section 7(4) of the said Act of 1958 for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ” and for the words “the said section 1” there shall be substituted the words “ the said section 2 ”.

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*Mental Health Act 1959 (c. 72)*

- 12 In section 9 of the Mental Health Act 1959—
- (a) in subsection (1) for the words “section 38 of the Children and Young Persons Act 1969” there shall be substituted the words “ section 34 of the Child Care Act 1980 ” and for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of that Act ” ;
  - (b) in subsection (3) for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ” ;
  - (c) in subsection (4) for the words “Children Act 1948” there shall be substituted the words “ Child Care Act 1980 ” .
- 13 In section 10(1)(a) of the said Act of 1959—
- (a) for sub-paragraph (i) there shall be substituted the following paragraph—
    - “(i) section 10 of the Child Care Act 1980 (which relates to the powers and duties of local authorities with respect to persons committed to their care under the Children and Young Persons Act 1969) ;” ;
  - (b) for sub-paragraph (iii) there shall be substituted the following paragraph—
    - “(iii) section 3 of the Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care) ;” .
- 14 in section 50 of the said Act of 1959—
- (a) for paragraph (a) there shall be substituted the following paragraph—
    - “(a) section 10 of the Child Care Act 1980 (which relates to the powers and duties of local authorities with respect to persons committed to their care under the Children and Young Persons Act 1969) ;” ;
  - (b) for paragraph (c) there shall be substituted the following paragraph—
    - “(c) section 3 of the Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care) ;” ;
  - (c) for the words “subsection (2) of the said section 3” there shall be substituted the words “ subsection (1) of the said section 3 ” .

*Mental Health (Scotland) Act 1960 (c. 61)*

- 15 In section 10(1)(a) of the Mental Health (Scotland) Act 1960—
- (a) in sub-paragraph (ii) for the words “section 24 of the Children and Young Persons Act 1969” there shall be substituted the words “ section 10 of the Child Care Act 1980 ” ;
  - (b) for sub-paragraph (iii) there shall be substituted the following paragraph—

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“(iii) section 3 of the Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care) ;”.

- 16 In section 46 of the said Act of 1960—
- (a) in paragraph (b) for the words “section 24 of the Children and Young Persons Act 1969” there shall be substituted the words “ section 10 of the Chld Care Act 1980 ” ;
  - (b) in paragraph (d) for the words “Children Act 1948” there shall be substituted the words “ Child Care Act 1980 ” ;
  - (c) for the words “subsection (2) of the said section 3” there shall be substituted the words “ subsection (1) of the said section 3 ”.

*London Government Act 1963 (c. 33)*

- 17 In section 47(4) of the London Government Act 1963 for the words “Children Act 1948 or the Children and Young Persons Act 1933” there shall be substituted the words “ Child Care Act 1980 ”.

*Children and Young Persons Act 1963 (c. 37)*

- 18 In section 63 of the Children and Young Persons Act 1963 after subsection (1) there shall be inserted the following subsection—
- “(1A) The local authorities for the purposes of Parts I and III of this Act shall be the councils of counties (other than metopolitan counties), of metropolitan districts and of London boroughs and the Common Council of the City of London.”.

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

- 19 In section 64(3)(a) of the Health Services and Public Health Act 1968 there shall be added at the end the following paragraph—
- “(xix) the Child Care Act 1980 except so far as it relates to any voluntary home designated as mentioned in section 35(1) of that Act as a controlled or assisted community home”.
- 20 In section 65(3)(b) of the said Act of 1968 there shall be added at the end of the following paragraph—
- “(xx) the Child Care Act 1980”.

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

21 In section 21(3) of the Social Work (Scotland) Act 1968 for the words “section 13 of the Children Act 1948” there shall be substituted the words “ section 21 of the Child Care Act 1980 ”.

22 In section 86(3) of the said Act of 1968 for the words “Children Act 1948, the Children and Young Persons Act 1933” there shall be substituted the words “ Child Care Act 1980 ”.

*Family Law Reform Act 1969 (c. 46)*

23 In section 7 of the Family Law Reform Act 1969—

- (a) in subsection (2) for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ” and for the words “section 1” there shall be inserted the words “ section 2 ” ; and
- (b) in subsection (3) there shall be added at the end the words “ as if, in relation to a ward of court, the reference in subsection (5)(b) to sections 24 and 28 of the Child Care Act 1980 included a reference to section 23 of that Act (guarantee of apprenticeship deeds) and section 29 of that Act (visiting and assistance of person formerly in care). ”

*Children and Young Persons Act 1969 (c. 54)*

24 In section 22(4) of the Children and Young Persons Act 1969 for the words “section 13(2) of the Children Act 1948” there shall be substituted the words “ section 21(2) of the Child Care Act 1980 ”.

25 In section 26(3) of the said Act of 1969 the words “and in section 27(4) the words from “and if” onwards” shall be omitted and for the words “section 13(2) of the Children Act 1948” there shall be substituted the words “ section 21(2) of the Child Care Act 1980 ”.

26 In paragraph 11 of Schedule 5 to the said Act of 1969 for the words from “for the words” to the end of the paragraph there shall be substituted the words “ for the words from “section fifty-six” to “Schedule to” there shall be substituted the words “section fifty-six of”. ”

*Administration of Justice Act 1970 (c. 31)*

27 In Schedule 1 to the Administration of Justice Act 1970 at the end there shall be added the following paragraph—

“Proceedings on appeal under section 6 of the Child Care Act 1980”.

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- 28 In Schedule 8 to the said Act of 1970—
- (a) in paragraph 5 for the words “section 26 of the Children Act 1948” there shall be substituted the words “ section 50 of the Child Care Act 1980 ” ;
  - (b) in paragraph 6 for the words “section 87 of the Children and Young Persons Act 1933, section 30 of the Children and Young Persons Act 1963” there shall be substituted the words “ section 47 or 51 of the Child Care Act 1980 ”.

*Local Authority Social Services Act 1970 (c. 42)*

- 29 In Schedule 1 to the Local Authority Social Services Act 1970 there shall be added at the end the following entry—

“Child Care Act 1980 (c. 5)	Promotion of welfare of children ; provision for orphans, deserted children, children suffering from mental disorder etc. ; assumption by local authority of parental rights ; children in care ; financing of children’s maintenance and education etc ; assistance of persons formerly in care ; accommodation for children in care ; registration of voluntary children’s homes and use of voluntary organisations ; research into matters connected with functions under enactments relating to children and young persons.”.
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*Guardianship of Minors Act 1971 (c. 3)*

- 30 In section 5(2) of the Guardianship of Minors Act 1971 for the words “section 2 of the Children Act 1948” there shall be substituted the words “ section 3 of the Child Care Act 1980 ”.
- 31 In section 14A(4) of the said Act of 1971 for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ”.

*Attachment of Earnings Act 1971 (c. 32)*

- 32 In Schedule 1 to the Attachment of Earnings Act 1971—
- (a) in paragraph 6 for the words “section 26 of the Children Act 1948” there shall be substituted the words “ section 50 of the Child Care Act 1980 ” ; and
  - (b) in paragraph 7 for the words “section 87 of the Children and Young Persons Act 1933, section 30 of the Children and Young Persons Act 1963” there

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shall be substituted the words “ section 47 or 51 of the Child Care Act 1980 ”.

*Tribunals and Inquiries Act 1971 (c. 62)*

- 33 In paragraph 4 of Schedule 1 to the Tribunals and Inquiries Act 1971 for the words “section 30 of, and Part I of Schedule 1 to, the Children Act 1948” there shall be substituted the words “ section 58 of, and Schedule 3 to, the Child Care Act 1980 ”.

*Matrimonial Causes Act 1973 (c. 18)*

- 34 In section 43 of the Matrimonial Causes Act 1973—
- (a) in subsection (1) for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ” and for the words “section 1 of that Act” there shall be substituted the words “ section 2 of that Act ” ; and
  - (b) for subsection (5) there shall be substituted the following subsection—
    - “(5) In the application of Part III of the Child Care Act 1980 by virtue of this section—
    - (a) the exercise by the local authority of their powers under sections 18, 21 and 22 of that Act (which among other things relate to the accommodation and welfare of a child in the care of a local authority) shall be subject to any direction given by the court ; and
    - (b) section 24 of that Act (which relates to arrangements for the emigration of such a child) and section 28 of that Act (which relates to the aftercare of a child in the care of a local authority under section 2 of that Act) shall not apply.”.

*Guardianship Act 1973 (c. 29)*

- 35 In section 4 of the Guardianship Act 1973 for subsection (4) there shall be substituted the following subsection—
- “(4) On the making of an order under section 2(2)(b) above with respect to a minor, Parts III and V of the Child Care Act 1980 (which relate to the treatment of children in the care of a local authority and to contributions towards their maintenance) shall apply as if the minor had been received by the local authority into their care under section 2 of that Act except that—
- (a) the exercise by the local authority of their powers under sections 18 and 21 of that Act shall, where the order is made by the High Court, be subject to any directions given by the court ;
  - (b) section 24 of that Act (which relates to arrangements for emigration) shall not apply ; and

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- (c) section 28 of that Act (which relates to the after-care of a child in the care of a local authority under section 2 of that Act) shall not apply ; and
- (d) section 45(1) of that Act so far as it requires a child’s father or mother to make contributions in respect of him shall not apply, but so that references to the local authority who are entitled to receive contributions shall be construed as if section 45(1) did so apply.”.

*Legal Aid Act 1974 (c. 4)*

36 In Schedule 1 to the Legal Aid Act 1974 for paragraph 3(g) there shall be substituted the following sub-paragraph—

“(g) proceedings under section 3, 5 or 67(2) of the Child Care Act 1980”.

*Children Act 1975 (c. 72)*

37 In section 103(1)(a) of the Children Act 1975 for paragraph (iii) there shall be substituted the following paragraph—

“(iii) section 7 of the Child Care Act 1980”.

*Adoption Act 1976 (c. 36)*

38 In section 31(3) of the Adoption Act 1976 for the words “section 86 of the Children and Young Persons Act 1933” there shall be substituted the words “ section 45 of the Child Care Act 1980 ”.

39 In section 34(3) of the said Act of 1976 for the words “section 1 of the Children Act 1948” there shall be substituted the words “ section 2 of the Child Care Act 1980 ”.

*Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)*

40 In section 8(7) of the Domestic Proceedings and Magistrates’ Courts Act 1978 for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ”.

41 In section (4) of the said Act of 1978 for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ”.

42 In section 10 of the said Act of 1978—

(a) for subsection (4) there shall be substituted the following subsection—

“(4) On the making of an order under this section—



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- (a) Part III of the Child Care Act 1980 (which relates to the treatment of children in the care of a local authority), except section 24 (which relates to arrangements for the emigration of such children) and section 28 (which relates to the after-care of children who have been in the care of a local authority under section 2 of that Act) ; and
  - (b) for the purposes only of contributions by the child himself at a time when he has attained the age of 16 and is engaged in remunerative full-time work, Part V of that Act (which relates to contributions towards the maintenance of children in the care of a local authority),  
shall apply as if the child had been received by the local authority into their care under section 2 of that Act.” ;
- (b) in subsection (8) for the words “Part II of the Children Act 1948” there shall be substituted the words “ Part III of the Child Care Act 1980 ”.

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