

SCHEDULES

SCHEDULE 1

Section 23(1).

TRANSITIONAL PROVISIONS

Custodians

- 1 If at the commencement of this Act section 33 of the Children Act 1975 (custodianship orders) is not in force, then, until that section is in force, section 1 above shall have effect as if for the words " relative, guardian or custodian " there were substituted the words " relative or guardian ".

Children subject to subsisting fit person orders

- 2 Without prejudice to the provisions of paragraph 9 of Schedule 4 to the Children and Young Persons Act 1969, a child is not a foster child for the purposes of this Act if he is subject to such an order as is mentioned in sub-paragraph (a) of that paragraph (orders under Children and Young Persons Act 1933 committing a person under 17 to the care of a person other than a local authority and in force on 1st January 1971).

Periods of time

- 3 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Notification under s.5

- 4 (1) In this paragraph " the relevant date " means the date on which regulations made under section 3(2) above come into force.
- (2) A person shall not at any time before the relevant date be required to give notice under subsection (1) or (2) of section 5 above in relation to a child if—
- (a) he has on a previous occasion given notice under subsection (1) of that section in respect of that or any other child, specifying the premises at which he proposes to keep the child in question; and
 - (b) he has not, at any time since that notice was given, ceased to maintain at least one foster child at those premises and been required to give notice under section 6(2) above in respect of those premises.
- (3) Every person who is maintaining a foster child within the area of a local authority on the relevant date and who before that date has not given notice in respect of the child to the local authority under subsection (1) or (2) of section 5 above shall within eight weeks of that date give written notice to the local authority that he is maintaining the child.

Status: This is the original version (as it was originally enacted).

Children above compulsory school age 5

- 5 Where immediately before the commencement of this Act Part I of the Children Act 1958 applied in relation to a child by virtue only of section 13 of that Act, this Act shall apply in relation to him as it applies in relation to a foster child, until—
- (a) he would, apart from the upper limit of the compulsory school age, have ceased to be a foster child, or
 - (b) he reaches the age of 18, or
 - (c) he lives elsewhere than with the person with whom he was living when he attained the said limit,
- whichever first occurs.

References to provisions of Adoption Act 1976 and Adoption (Scotland) Act 1978

- 6 (1) If at the commencement of this Act section 1 of the Adoption Act 1976 or section 1 of the Adoption (Scotland) Act 1978 is not in force, then, until that section is in force, section 2(6)(a) above shall have effect as if for the reference to arrangements made by an adoption agency within the meaning of that section there were substituted a reference to arrangements made by a local authority or a local authority in Scotland, or by any adoption society within the meaning of the Adoption Act 1958 for the time being registered under Part II of that Act or approved under Part I of the Children Act 1975.
- (2) If at the commencement of this Act section 32 of the Adoption Act 1976 is not in force, then, until that section is in force, section 2(6)(b) above shall have effect as if for the reference to Part III of that Act there were substituted a reference to Part IV of the Adoption Act 1958.

SCHEDULE 2

Section 23(2).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS EXTENDING ONLY TO ENGLAND AND WALES

NURSERIES AND CHILD-MINDERS REGULATION ACT 1948 (c.53)

1. In section 8(1) (exemption of certain institutions from provisions of Act), for "section two of the Children Act 1958 " substitute section 2 of the Foster Children Act 1980.
2. In section 13(2) (interpretation), for of Part I of the Children Act 1958 " substitute of the Foster Children Act 1980 ".

CHILDREN AND YOUNG PERSONS ACT 1963 (c.37)

In section 23(1)(c) (children and young persons detained in places of safety), for "section 7 of the Children Act 1958" substitute "section 12 of the Foster Children Act 1980".

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HEALTH SERVICES AND PUBLIC HEALTH ACT 1968 (c.46)

1. In section 60(7)(a) (amendments of Nurseries and Child-Minders Regulation Act 1948), for "section 6 of the Children Act 1958" substitute "section 7 of the Foster Children Act 1980".
2. In section 64(3)(a) (financial assistance by Secretary of State to certain voluntary organisations), for sub-paragraph (vi) substitute—
“(vi) the Foster Children Act 1980,”.
3. In section 65(3)(b) (financial and other assistance by local authorities to certain voluntary organisations), for sub-paragraph (vii) substitute—
“(vii) the Foster Children Act 1980,”.

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970 (c.42)

In Schedule 1 (enactments conferring functions assigned to Social Services Committee)—

- (a) omit the entry relating to the Children Act 1958 ; and
- (b) at the end add—

“Foster Children Act 1980 (c.6)

Protection of children living away from their parents; prosecution of offences.”

ADOPTION ACT 1976 (c.36)

1. In section 2(c) (local authorities' social services), for "the Children Act 1958 " substitute "the Foster Children Act 1980".
2. In section 32(3)(a) (meaning of protected child), for " subsection (3) or (5) of section 2 of the Children Act 1958 " substitute "section 2(2) of the Foster Children Act 1980".

PART II

AMENDMENT EXTENDING ONLY TO SCOTLAND

CHILDREN ACT 1958 (c.65)

In section 6(1)(a) (disqualification for keeping foster children), after " this Act" insert "or under section 12 of the Foster Children Act 1980".

SCHEDULE 3

Section 23(3).

REPEALS

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 65.	Children Act 1958.	The whole Act, so far as unrepealed, except the entry in Schedule 2 relating to

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	section 38 of the Children Act 1948. In Schedule 7, in Part II, the entry relating to the Children Act 1958.
8 & 9 Eliz. 2. c. 61.	Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to the Children Act 1958.
1968 c. 49.	Social Work (Scotland) Act 1968.	In Schedule 8, paragraphs 44 to 47.
1969 c. 54.	Children and Young Persons Act 1969.	Section 51. In section 52, subsections (1) to (3) and (5). Sections 53 to 57. Section 72(5). In Schedule 4, paragraphs 10 and 16. In Schedule 5, paragraphs 29 to 32 and paragraph 82. Schedule 7.
1970 c. 42.	Local Authority Social Services Act 1970.	In Schedule 1, the entry relating to the Children Act 1958.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, in Part I, the entry relating to the Children Act 1958.
1972 c. 70.	Local Government Act 1972.	In Schedule 23, paragraph 7.
1975 c. 72.	Children Act 1975.	Sections 95 to 97. In Schedule 3, paragraphs 16(a) and 18 to 20.
1976 c. 36.	Adoption Act 1976.	In Schedule 3, paragraphs 5 and 6.