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## SCHEDULES

### SCHEDULE 1

Section 22.

#### TRANSITIONAL PROVISIONS

##### *General*

- 1 Insofar as—
- (a) any requirement, prohibition, determination, order or regulation made by virtue of an enactment repealed by this Act, or
  - (b) any direction or notice given by virtue of such an enactment, or
  - (c) any proceedings begun by virtue of such an enactment, or
  - (d) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time, have been made, given, begun or done by virtue of the corresponding enactment, it shall, if effective immediately before the corresponding enactment comes into force, continue to have effect thereafter as if made, given, begun or done by virtue of that corresponding enactment.
- 2 Where any enactment passed before this Act, or any instrument or document refers either expressly or by implication to an enactment repealed by this Act, the reference shall (subject to its context) be construed as or as including a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if its corresponding provision had been in force when that period began to run.

##### *Visits by local authority officers under section 3(2)*

- 4 Until such time as the Secretary of State may by order made by statutory instrument appoint, subsection (2) of section 3 shall have effect with the substitution for the words “in accordance with regulations made under subsection (3)” of the words “from time to time where the local authority considers such a course to be necessary or expedient for the purposes of subsection (1)”

##### *Notification under section 5*

- 5 (1) In this paragraph “the relevant date” means the date on which regulations made under section 3(3) come into force.
- (2) 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 shall within 8 weeks of that date give written notice to the local authority that he is maintaining the child.

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*Children above compulsory school age*

- 6 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 reached the said limit,
 whichever first occurs.

*References to provisions of Adoption (Scotland) Act 1978*

F17 .....

**Textual Amendments**  
 F1 Sch. 1 para. 7 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.VIII.

*Reference to Mental Health (Scotland) Act 1984*

F28 .....

**Textual Amendments**  
 F2 Sch. 1 para. 8 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.VIII.

SCHEDULE 2

*Consequential Amendments*

F3 ...

**Textual Amendments**  
 F3 Sch. 2 paras. 1–3, 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), Sch. 15 ; S.I. 1991/828, art. 3(2)

F41 .....

**Textual Amendments**  
 F4 Sch. 2 paras. 1-3, 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), Sch.15; S.I. 1991/828, art. 3(2)

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F5<sub>2</sub> .....

**Textual Amendments**

**F5** Sch. 2 paras. 1-3, 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**

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

F6<sub>3</sub> .....

**Textual Amendments**

**F6** Sch. 2 paras. 1-3, 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**

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

4 In section 2(2)(d) (the social work committee), for “Part 1 of the Children Act 1958” substitute “ the Foster Children (Scotland) Act 1984 ”.

F7<sub>5</sub> .....

**Textual Amendments**

**F7** Sch. 2 para. 5 repealed (23.2.2006) by Joint Inspection of Childrens Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3), **ss. 8(4)(d)**, 10(2)

*Adoption (Scotland) Act 1978 (c. 28)*

F8<sub>6</sub> .....

**Textual Amendments**

**F8** Sch. 2 para. 6 repealed (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

F9<sub>7</sub> .....

**Textual Amendments**

**F9** Sch. 2 para. 7 repealed (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

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F10 . . .

#### Textual Amendments

**F10** Sch. 2 paras. 1–3, 8 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**

8 . . . . .

### SCHEDULE 3

Section 22.

#### REPEALS

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2 c.65.	Children Act 1958.	The whole Act.
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.	Section 19, Schedule 1 and in Schedule 8, paragraphs 44 to 47.
1969 c. 54.	Children and Young Persons Act 1969.	Sections 56 and 57(1).
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 27, paragraph 140.
1975 c. 72.	Children Act 1975.	Sections 95, 96, 97. In Schedule 3, paragraphs 17 to 20.
1976 c. 36.	Adoption Act 1976.	In Schedule 3, Part II, paragraphs 25 and 26.
1978 c. 28.	Adoption (Scotland) Act 1978.	In Schedule 3, paragraphs 1 to 3.
1980 c. 5.	Child Care Act 1980.	In Schedule 5, paragraphs 9 to 11.
1980 c. 6.	Foster Children Act 1980.	In Schedule 2, Part II.
1980 c. 44.	Education (Scotland) Act 1980.	In Schedule 4, paragraph 1.
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	In Schedule 2, paragraph 2.

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### TABLE OF DERIVATIONS

*Note: The following abbreviations are used in this Table:—*

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1958 =	The Children Act 1958 (1958 c. 65)
1968 =	The Social work (Scotland) Act 1968 (1968 c. 49)
1969 =	The Children and Young Persons Act 1969 (1969 c. 54)
1975 =	The Children Act 1975 (1975 c. 72)
1978 =	The Adoption (Scotland) Act 1978 (1978 c. 28)
1980 =	The Foster Children Act 1980 (1980 c. 6)

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<b>Provision</b>	<b>Derivation</b>
1	1958 s. 2(1); 1968 s. 19, Sch. 1 para. 2(1).
2( 1)	1958 s. 2(2).
(2)	1958 s. 2(3); 1968 ss. 19,95(1), Sch. 1 para. 2(2), Sch. 8 para. 44(1); Child Care Act 1980 (c.5) s. 89(2) and Sch. 5 para. 9.
(3)	1958 s. 2(4); 1968 s. 95(1), Sch. 8 para. 44(2).
(4)	1958 s. 2(4); Mental Health (Scotland) Act 1960 (c. 61) s. 113(1), Sch. 4.
(5)	1958 s. 2(4A); 1978 s. 66(2), Sch. 3.
3(1), (2)	1958 s. 1A; 1968 s. 19, Sch. 1 para. 1; 1975 s. 95(2).
(3)	1958 s. 2A(1); 1975 s. 95(3).
(4)	1958 s. 1A; 1968 s. 19, Sch. 1 para. 1.
4(1 )	1958 s. 3A(1); 1975 s. 96(1).
(2)	1958 s. 3A(2)(a); 1975 s. 96(1).
5( 1)	1958 s. 3(1), (2).
(2)	1958 s. 3(1), (2)
(3)	1958 s. 3(2).
(4)	1958 s. 3(3).
(5)	1958 s. 3(7).

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(6)	1958 s. 3(5).
(7)	1958 s. 3(6).
6(1), (2)	1958 s. 3(4).
(3)	1958 s. 3(5).
(4)	1958 s. 3(6).
7(1)	1958 s. 6(1); 1968 s. 95(1), Sch. 8 para. 45; 1969 s. 56(1); 1975 s. 108(1), Sch. 3 para. 18; 1978 s. 66(2), Sch. 3; 1980 s. 23(2), Sch. 2 Part II, The Child Care Act 1980 (c. 5) s. 89(2), Sch. 5.
(2)	1958 s. 6(2); 1969 s. 56(2).
8	1958 s. 4(1).
9(1)-(3)	1958 s. 4(2).
(4)	1958 ss. 4(5), 5(3).
10(1)	1958 s. 4(3).
(2)	1958 s. 4(4).
(3)	1958 ss. 4(5), 5(3).
11(1)	1958 s. 5(1), (5).
(2)	1958 s. 5(2), (5).
(3)	1958 s. 5(4), (5).
12(1)	1958 s. 7(1), (6).
(2)	1958 s. 7(1).
(3)	1958 s. 7(3).
(4)	1958 s. 7(2).
(5)	1958 s. 7(4); 1968 s. 95(1), Sch. 8; Child Care Act 1980 (c. 5) s. 89(2); Sch. 5 para. 11; Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Sch. 2.
(6)	1958 s. 7(5).
13	1958 s. 8.
14(1)	1958 s. 37(1).
(2)	1958 s. 37(1A); 1975 s. 97.
(3)	1958 s. 37(1B); 1975 s. 97.
(4)	1958 s. 37(1C); 1975 s. 97.
15(1)	1958 ss. 14(1), 37(2); 1975 s. 96(2).
(2)	1958 s. 14(1A); 1969 s. 57(1).

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(3)	1958 s. 14(2), 37(2); 1975 s. 108(1), Sch. 3 paras. 19, 20; Criminal Justice Act 1982 (c. 48) s. 54.
16(1)	1958 s. 12(1).
(2)	1958 s. 12(2).
(3)	1958 s. 12(3).
(4)	1958 s. 12(4); Education (Scotland) Act 1980 (c. 44) s. 135(1).
17	1958 s. 13.
18	1958 s. 9; 1968 s. 19, Sch. 1 para. 3.
19	1958 s. 15.
20	1958 s. 2A(3), 3A(2)(b), 37(1C); 1975 ss. 75(3), 96(1), 97(1).
21(1)	“child” 1958 s. 17. “compulsory school age” 1958 s. 17; Education (Scotland) Act 1980 (c. 44) s. 136(2), Sch. 4 para. 1. “local authority” 1958 s. 17; Local Government (Scotland) Act 1973 s. 214(2), Sch. 27 Part II. “local authority in England and Wales” 1958 s. 17; 1980 s. 22. “place of safety” 1958 s. 17; 1968 s. 95(1), Sch. 8. “relative” 1958 s. 17; 1978 s. 66(2), Sch. 3. “residential establishment” 1958 s. 17; 1968 s. 95(1), Sch. 8. “supervision requirement” 1958 s. 17; 1968 s. 95(1), Sch. 8. “voluntary organisation” 1958 s. 17.
(2)	[references].
22	[Transitional provisions, consequential amendments and repeals.]
23	[Citation, etc.]
Sch. 1	[Transitional provisions]
paras. 1 to 4 and 6.	
para. 5.	1958 s. 2A(2); 1975 s. 95(3).
para. 7.	1958 s. 2(4A); 1978 s. 66(2), Sch. 3.
Sch. 2.	[Consequential amendments]
Sch. 3.	[Repeals]

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**Changes and effects yet to be applied to :**

- s. 7(4) word substituted by [2020 asp 13 sch. 5 para. 9](#)