
Changes to legislation: Children (Scotland) Act 1995, Paragraph 35 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Foster Children (Scotland) Act 1984 (c.56)

- 35 (1) The Foster Children (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 2 (exceptions to definition of “foster child”)—
- (a) in subsection (1), for the words “in the care of a local authority or a voluntary organisation” substitute “being looked after by a local authority”;
 - (b) in subsection (3), the words “within the meaning of the Social Work (Scotland) Act 1968” shall cease to have effect;
 - (c) in subsection (5), the words “; or (b) while he is a protected child within the meaning of section 32 of the said Act of 1978” shall cease to have effect; and
 - (d) after subsection (5) add—
 - “(6) The reference in subsection (1) above to a child being looked after by a local authority shall be construed as if it were a reference to which section 17(6) of the Children (Scotland) Act 1995 applies.”.
- (3) In section 3(4) (saving for ^{M1}Social Work (Scotland) Act 1968), for the words “the Social Work (Scotland) Act 1968” substitute “Part II of the Children (Scotland) Act 1995”.
- (4) In section 7(1) (persons disqualified from keeping foster children)—
- (a) in paragraph (b), after the word “1968” insert “or under section 70 of the Children (Scotland) Act 1995”; and
 - (b) after paragraph (d) insert—
 - “(dd) his parental rights and parental responsibilities (within the meaning of the Children (Scotland) Act 1995) have been transferred, by an order under section 86(1) of that Act, to a local authority;”.
- (5) In section 12 (removal of foster children on complaint of local authority), for subsection (5) substitute—
 - “(5) For the purposes of section 25 of the Children (Scotland) Act 1995 (and for the reason mentioned in subsection (1)(c) of that section) a child removed under this section shall be regarded as requiring accommodation.”.
- ^{F1}(6)
- (7) In section 21(1) (interpretation)—
- (a) in the definition of “residential establishment”, after the word “1968” insert “or of Part II of the Children (Scotland) Act 1995”; and

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(b) for the definition of “supervision requirement”, substitute—

““supervision requirement” has the meaning given by section 70(1) of the Children (Scotland) Act 1995;”.

Textual Amendments

F1 Sch. 4 para. 35(6) repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 17, **Sch. 3**; S.I. 1997/1712, **art. 3**

Marginal Citations

M1 1968 c. 49.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 3\(3A\)\(ba\)](#) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- [s. 4B](#) inserted by [2020 asp 16 s. 28\(2\)](#)
- [s. 6\(1A\)-\(1D\)](#) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- [s. 10\(1A\)](#) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- [s. 11\(14\)](#) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- [s. 11B11C](#) inserted by [2020 asp 16 s. 8\(2\)](#)
- [s. 11B\(2\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11D](#) inserted by [2020 asp 16 s. 17\(2\)](#)
- [s. 11D\(3\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11E](#) inserted by [2020 asp 16 s. 18\(2\)](#)
- [s. 11F](#) inserted by [2020 asp 16 s. 20\(2\)](#)
- [s. 11G](#) inserted by [2020 asp 16 s. 22\(2\)](#)
- [s. 11ZA11ZB](#) inserted by [2020 asp 16 s. 1\(4\)](#)
- [s. 11ZA\(2A\)](#) inserted by [2020 asp 16 s. 30\(2\)](#)
- [s. 11ZA\(3\)\(f\)](#) inserted by [2020 asp 16 s. 16\(2\)](#)
- [s. 16\(1A\)](#) inserted by [2020 asp 16 s. 30\(3\)](#)
- [s. 16\(2\)-\(2B\)](#) substituted for [s. 16\(2\)](#) by [2020 asp 16 s. 1\(6\)](#)
- [s. 100A](#) inserted by [2020 asp 16 s. 21\(2\)](#)
- [s. 101D](#) inserted by [2020 asp 16 s. 11\(2\)](#)
- [s. 101E](#) inserted by [2020 asp 16 s. 12\(2\)](#)