
Changes to legislation: Children (Scotland) Act 1995, Section 39 is up to date with all changes known to be in force on or before 23 April 2019. 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)

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 39 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 shall be amended in accordance with this paragraph.
- (2) In section 1(3) (regulations with respect to appointment of authorised representatives of disabled persons)—
- (a) in paragraph (a), for the words from the beginning to “appoint” substitute—
- “may provide for—
- (i) any person who has parental responsibilities in relation to a disabled person under the age of sixteen (“parental responsibilities” having the meaning given by section 1(3) of the Children (Scotland) Act 1995); or
- (ii) any other person who is entitled to act as the disabled person’s legal representative (as defined in section 15(5) of the Children (Scotland) Act 1995),
- to appoint”; and
- (b) in paragraph (b), for the words “in the care of” substitute “looked after by.”
- (3) In section 2 (rights of certain authorised representatives of disabled persons)—
- (a) in subsection (3)(a), for the words “the words ”the parent or guardian of” shall be inserted after the words ”if so requested by”,” substitute “ for the words “ by the disabled person ” there shall be substituted the words “ by any person appointed by virtue of regulations made under section 1(3)(a)(i) or (ii) of this Act ”,” and
- (b) in subsection (5), after paragraph (bb) insert—
- “(bc) in Scotland, in accommodation provided by or on behalf of a local authority under Chapter 1 of Part II of the Children (Scotland) Act 1995, or”.
- (4) In section 13(8)(b) (limitation on requirement for assessment of needs)—
- (a) for the words “his parent” substitute “ any person having parental responsibilities in relation to him ”; and
- (b) after the word “request” insert “ (“parental responsibilities” having the meaning given in section 1(3) of the Children (Scotland) Act 1995) ”.
- (5) In section 16 (interpretation)—
- (a) in the definition of “disabled person”, for paragraph (b) substitute—

Changes to legislation: Children (Scotland) Act 1995, Section 39 is up to date with all changes known to be in force on or before 23 April 2019. 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)

- “(b) in relation to Scotland, means—
- (i) in the case of a person aged eighteen or over, one chronically sick or disabled or one suffering from mental disorder (being, in either case, a relevant person for the purposes of section 12 of the Social Work (Scotland) Act 1968; and
 - (ii) in any other case, a disabled child (“disabled child” being construed in accordance with Chapter 1 of Part II of the Children (Scotland) Act 1995);”;
- (b) in the definition of “guardian”, paragraph (b) shall cease to have effect;
- (c) in the definition of “the welfare enactments”, in paragraph (b), for the words “and sections 7 and 8 of the 1984 Act”, substitute “, sections 7 and 8 of the 1984 Act and Chapter 1 of Part II of the Children (Scotland) Act 1995 ”.
- (d) the existing provisions as so amended shall be subsection (1) of the section and at the end of the section there shall be added—

“(2A) In this Act as it applies in relation to Scotland, any reference to a child who is looked after by a local authority shall be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.”)

Annotations:

Commencement Information

- II** Sch. 4 para. 39 wholly in force at 1.4.1997; Sch. 4 para. 39 not in force at Royal Assent see s. 105(1); Sch. 4 para. 39(1)(2)(a)(3)(a)(4)(5)(b) in force at 1.11.1996 by S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7) (as amended (19.1.1997) by S.I. 1997/137, art. 2); Sch. 4 para. 39 in force at 1.4.1997 insofar as not already in force by S.I. 1996/3201, art. 3(7) (with arts. 4-6) (as amended (7.3.1997) by S.I. 1997/744, arts. 2, 3)

Changes to legislation:

Children (Scotland) Act 1995, Section 39 is up to date with all changes known to be in force on or before 23 April 2019. 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.

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](#)