
 STATUTORY INSTRUMENTS

1976 No. 1744 (C. 41)

CHILDREN AND YOUNG PERSONS

The Children Act 1975 (Commencement No. 1) Order 1976

Made - - - - 21st October 1976

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 108(2) and (8) of the Children Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation

1.—(1) This Order may be cited as the Children Act 1975 (Commencement No. 1) Order 1976.

(2) This Order shall not apply to Scotland.

Interpretation

2.—(1) In this Order—

“the Act” means the Children Act 1975;

“the 1948 Act” means the Children Act 1948(b);

“the 1958 Act” means the Adoption Act 1958(c);

“the 1969 Act” means the Children and Young Persons Act 1969(d).

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply for the purposes of the interpretation of this Order as they apply for the purposes of the interpretation of an Act of Parliament.

Days appointed for coming into force of certain provisions of the Act

3. The provisions of the Act specified in the first column of each of the first two Schedules and their Appendices to this Order (which relate to the matters specified in the second column thereof) shall come into force on the day specified in the heading to that Schedule.

Transitional provisions and adaptations

4. The transitional provisions and adaptations contained in Schedule 3 to this Order shall have effect in connection with the provisions brought into force by this Order.

David Ennals,

Secretary of State for Social Services.

21st October 1976.

(a) 1975 c. 72.
(c) 7 & 8 Eliz. 2. c. 5.
(e) 1889 c. 63.

(b) 1948 c. 43.
(d) 1969 c. 54.

SCHEDULE 1

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 26TH NOVEMBER 1976

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 8(1) to (5), (7) & (8)	Adoption orders.
Section 10	Adoption by married couple.
Section 11	Adoption by one person.
Section 12	Parental agreement.
Section 17(1) to (3)	Power to make supervision or care orders on refusal of adoption order.
Section 21(1) & (2)	Hearing of applications etc., in private.
Section 22(4) & (5)	Making of order.
Section 26	Access to birth records.
Section 28(c)(ii)	Increase of penalties.
Section 29	Restriction on removal of child pending adoption where adoption agreed or where applicant has provided home for 5 years.
Section 30	Return of child taken away in breach of section 34 or 34A of the 1958 Act.
Section 31	Return of child on refusal of adoption order.
Section 56	Restriction on removal of child from care.
Section 57	Substitution of section 2 of the 1948 Act.
Section 58, only in so far as it provides for the insertion of section 4A of the 1948 Act.	Supplementary provisions relating to care proceedings (appeal to the High Court).
Section 64, only in so far as it provides for the insertion of section 32A(2) to (5) and section 32B(1) and (3) of the 1969 Act.	Conflict of interest between parent and child or young person.
Section 65	Legal aid for parents where order made under new section 32A of the 1969 Act.
Section 67	Recovery of children in care of local authorities.
Section 68	Extension of powers under section 32 of the 1969 Act.
Section 101	Appeals etc.

APPENDIX A TO SCHEDULE 1

AMENDMENTS COMING INTO FORCE ON 26TH NOVEMBER 1976

<i>Provision in Schedule 3 to the Act</i>	<i>Enactment amended</i>
Paragraph 5(b)	Section 4(3)(b) of the 1948 Act.
Paragraph 30(b)	Section 36(3) of the 1958 Act.
Paragraph 31(b), only in so far as it provides for the substitution of a new section 37(4) of the 1958 Act.	Section 37(4) of the 1958 Act.
Paragraph 34(a)	Section 50(1) of the 1958 Act.
Paragraph 37	Section 55 of the 1958 Act.
Paragraph 39(a)	Section 57(1) of the 1958 Act.
Paragraph 41	Section 109(2) of the County Courts Act 1959 (1959 c.22).
Paragraph 42	Section 49(1) of the Children and Young Persons Act 1963 (1963 c.37).
Paragraph 46	Section 64(3)(a) of the Health Services and Public Health Act 1968 (1968 c.46).
Paragraph 47	Section 65(3)(b) of the Health Services and Public Health Act 1968 (1968 c.46).
Paragraph 64	Section 11(1) of the Adoption Act 1968 (1968 c.53).
Paragraph 73(1)	Schedule 1 to the Administration of Justice Act 1970 (1970 c.31).
Paragraph 74(a)	Schedule 1 to the Local Authority Social Services Act 1970 (1970 c.42).
Paragraph 82(a)	Paragraph 3(d) of Schedule 1 to the Legal Aid Act 1974 (1974 c.4).

APPENDIX B TO SCHEDULE 1

REPEALS COMING INTO FORCE ON 26TH NOVEMBER 1976

<i>Provision in Schedule 4 to the Act</i>	<i>Subject Matter</i>
Part IV, except in so far as it relates to the provisions of section 4(3), other than paragraphs (c) and (d), and the provisions of sections 9(5) and 12(3) of the 1958 Act.	Adoption Orders.
Part V	Children in Care of Local Authorities.
Part X	Grants, etc. for Voluntary Organisations.

SCHEDULE 2

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST JANUARY 1977

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 92	Registration of births of abandoned children.
Section 93	Registration of father of illegitimate child.

APPENDIX A TO SCHEDULE 2

AMENDMENTS COMING INTO FORCE ON 1ST JANUARY 1977

<i>Provision in Schedule 3 to the Act</i>	<i>Enactment amended</i>
Paragraph 13(1) to (5)	Births and Deaths Registration Act 1953 (1953 c.20).

APPENDIX B TO SCHEDULE 2

REPEALS COMING INTO FORCE ON 1ST JANUARY 1977

<i>Provision in Schedule 4 to the Act</i>	<i>Subject Matter</i>
Part VI	Registration of Births.

SCHEDULE 3

Transitional Provisions and Adaptations

1. The footnote to Part IV of Schedule 4 to the Act is subject to the following adaptations:—
 - (a) after the words “These repeals”, there shall be inserted the words “except in relation to the provisions of section 4(3), other than paragraphs (c) and (d) and the provisions of sections 9(5) and 12(3) of the 1958 Act”.
 - (b) after the words “comes into force.” there are added the words “The repeals of the remainder of section 4(3) and sections 9(5) and 12(3) of the 1958 Act take effect on a date to be appointed by order made under section 108(2)”.

2. Until the coming into force of section 32A(1) and section 32B(2) of the 1969 Act section 64 of the Act is subject to the following adaptations:—
 - (i) In section 32A(2) for the words from the beginning to “section” there are substituted the words:—

“If before or in the course of proceedings in respect of a child or young person:—

 - (a) on an application under section 15(1) of this Act for the discharge of a relevant supervision order or a supervision order made under section 21(2) of this Act on the discharge of a relevant care order; or
 - (b) on an application under section 21(2) of this Act for the discharge of a relevant care order or a care order made under section 15(1) of this Act on the discharge of a relevant supervision order,it appears to the court that the application”.
 - (ii) For section 32A(3) there is substituted the following subsection:—

“Where an order is made under subsection (2) of this section, that order shall also have effect for the purposes of any appeal to the Crown Court arising out of proceedings on an unopposed application under the said subsection”.
 - (iii) In section 32A(4) for the words “(1)(a), (b) or (c)” there is substituted “(2)”.

3. In section 3(2) of the 1958 Act for the words “was then resident” there are substituted the words “had his home”.

4. Section 4(3) of the 1958 Act, so far as it is for the time being unrepealed, is subject to the following adaptations:—
 - (a) for the words “in paragraph (a) of subsection (1) of this section” there are substituted the words “in section 12(1)(b) of the Children Act 1975”;
 - (b) for the words “rights and powers” there are substituted the words “powers and duties”;
 - (c) the words “any of the following enactments, that is to say” are omitted.

5. In sections 6(1) and (2) and 8(2) of the 1958 Act for the words “consent” and “consenting party” wherever they occur, there are substituted the words “agreement” and “person giving the agreement” respectively.

6. Until the coming into force of section 21(3) of the Act, section 9(5) of the 1958 Act is subject to the following adaptations:—
 - (a) after the words “open court”, the word “and” is omitted;
 - (b) after the words “magistrates’ court”, the word “and” is inserted; and
 - (c) the words “and may make provision”, to the end are omitted.

7. Until the coming into force of section 18 of the Act, section 12(3) of the 1958 Act is subject to the following adaptations:—

- (a) for the words “are not or one of whom is not ordinarily resident”, there are substituted the words “have not had their home or one of whom has not had his home”; and
- (b) the words “(as modified by subsection (1) of this section)”, are omitted.

8. In section 53(2) of the 1958 Act after the words “county court”, the words “within whose district the child is”, are inserted.

9. In section 53(3) of the 1958 Act for the words “this Act”, there are substituted the words “the Children Act 1975”.

10. In section 53(4) of the 1958 Act for the words “sections sixteen, seventeen and”, there is substituted the word “section” and after the word “nineteen”, there are inserted the words “and the provisions of Part I of the Children Act 1975 for the time being in force except sections 8(9) and (10)”.

11. In so far as anything done under any provision of any enactment, the repeal of which is brought into force by this Order, could have been done under the corresponding provision, if any, of an enactment brought into force by this Order, it shall not be invalidated by the repeal but shall have effect as if done under the latter provision.

12. Any reference, whether express or implied, in any document to any provision in any enactment the repeal of which is brought into force by this Order shall, unless the context otherwise requires, be construed as a reference to the corresponding provision, if any, of an enactment brought into force by this Order.

13. Notwithstanding the bringing into force by this Order of the repeal of any provision of the 1958 Act any proceedings pending at the commencement of this Order under that provision may be continued under the corresponding provision, if any, of the Act.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings certain provisions of the Children Act 1975 into force (subject to the transitional provisions and adaptations contained in Schedule 3 to the Order).

The provisions specified in Schedule 1 to the Order are brought into force on 26th November 1976 and those specified in Schedule 2 on 1st January 1977.

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