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S T A T U T O R Y   I N S T R U M E N T S

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**1982 No. 33 (C.1) (S.2)**

**CHILDREN AND YOUNG PERSONS**

**The Children Act 1975 (Scotland) (Commencement No. 3) Order  
1982**

*Made - - - - - 11th January 1982*

In exercise of the powers conferred on me by Section 108(2) and (8) of the Children Act 1975(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and extent*

1.—(1) This order may be cited as the Children Act 1975 (Scotland) (Commencement No. 3) Order 1982.

(2) This order shall apply to Scotland only.

*Interpretation*

2. In this order—

“the Act” means the Children Act 1975;

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

“the 1968 Act” means the Social Work (Scotland) Act 1968(c).

*Appointed date*

3. The provisions of the Act specified in the first column of Schedule 1 to this order and of each of the two Appendices to that Schedule (which relate to the matters specified in the second column thereof) shall come into force on 15th February 1982.

*Transitional provisions and adaptations*

4. The transitional provisions and adaptations contained in Schedule 2 to this order shall have effect in connection with the provisions brought into force by this order.

*George Younger,*  
One of Her Majesty’s Principal  
Secretaries of State.

New St Andrew’s House,  
Edinburgh.  
11th January 1982.

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(a) 1975 c. 72.  
(c) 1968 c. 49.

(b) 1958 c. 5 (7 and 8 Eliz. 2).

## Article 3

## SCHEDULE 1

## PROVISIONS COMING INTO FORCE ON 15TH FEBRUARY 1982

Column 1 Provisions of the Act	Column 2 Subject matter
Section 4	Approval of adoption societies.
Section 5	Withdrawal of approval.
Section 6	Procedure on refusal to approve, or withdrawal of approval from, societies.
Section 7	Inactive or defunct adoption societies.
Section 28(a),(b) only in so far as it provides for the insertion of subsection (2) in that section, (c)(i) and (d)	Restriction on arranging adoption and placing of children.
Section 32	Payment of allowances to adopters.
Section 74, only in so far as it provides for the substitution in section 16 of the 1968 Act of subsections (1)(b), (4) and (11)(d), and for the substitution in subsection (5) of that section 16 of the words "or in the voluntary organisation as the case may be,"	Substitution of Section 16 of the 1968 Act — resolution by local authority in respect of vesting of parental rights and powers in a voluntary organisation.
Section 75	Duty of local authority in Scotland to assume parental rights and powers vested in a voluntary organisation.

## APPENDIX A TO SCHEDULE 1

## AMENDMENTS COMING INTO FORCE ON 15TH FEBRUARY 1982

Column 1 Provision in Schedule 3 to the Act	Column 2 Enactment Amended
Paragraph 21(3)	The 1958 Act (generally).
Paragraph 27(a) and (c)	Section 32 of the 1958 Act.
Paragraph 28	Section 33(1) and (2) of the 1958 Act.
Paragraph 34(c)	Section 50(3) of the 1958 Act.
Paragraph 39(b)	Section 57(1) of the 1958 Act.
Paragraph 50	Section 6(1)(b) of the 1968 Act.
Paragraph 51(b)	Section 10 of the 1968 Act.
Paragraph 52(b), (e) and (g)	Section 17 of the 1968 Act.
Paragraph 53(b)(iii) and (c)	Section 18 of the 1968 Act.

APPENDIX B TO SCHEDULE 1  
 REPEALS COMING INTO FORCE ON 15TH FEBRUARY 1982

Column 1 Provision in Schedule 4 to the Act	Column 2 Subject Matter
Part VII, except in so far as it relates to the provisions of Section 28(2) of the 1958 Act.	Adoption Agencies

SCHEDULE 2

Article 4

TRANSITIONAL PROVISIONS AND ADAPTATIONS

1. The footnote to Part VII of Schedule 4 to the Act is subject to the following adaptations:—
  - (a) after the words “These repeals” there are inserted the words “except in relation to the provisions of section 28(2) of the 1958 Act”;
  - (b) after the words “comes into force.” there are added the words “The repeal of Section 28(2) of the 1958 Act takes effect on a date to be appointed by order made under Section 108(2).”
2. Until the coming into force of section 1 of the Act, the 1958 Act and sections 3, 13, 28(a), 29 and 32 of the Act are subject to the following adaptation:—
 

for the words “adoption agency” wherever they occur, there are substituted the words “approved adoption society or local authority”.
3. Until the coming into force of section 1 of the Act, sections 4(2) and (6) and 5(1) of the Act are subject to the following adaptation:—
 

any reference to making an effective contribution to the Scottish Adoption Service shall have effect as if it were a reference to making an effective contribution to the maintenance of services and the provision of facilities as mentioned in that Section 1.
4. Until the coming into force of Section 14 of the Act, in Section 4(3)(a) of the Act the words “including, in particular, its ability to make provision for children who are free for adoption,” are omitted.
5. Notwithstanding the bringing into force by this order of Section 28(a) of, and paragraph 21(3) of Schedule 3 to, the Act, an adoption society which is immediately before 15th February 1982 an adoption society registered under Part II of the 1958 Act shall be deemed to be an approved adoption society during the period commencing on 15th February 1982 and ending—
  - (a) where the adoption society has before applied to the Secretary of State for his approval in the manner specified by regulations made under Section 4(1) of the Act, on the date specified in the notice given by the Secretary of State in accordance with Section 4(2) of the Act or, as the case may be, on the date of the notice given by him in accordance with Section 4(6) of the Act;
  - (b) in any other case, on 15th August 1982.
6. Where an application for an adoption order has been made before 15th February 1982 and is pending on that date, the provisions of Section 28(a), (c)(i) and (d) of the Act (which amend section 29 of the 1958 Act) shall, notwithstanding that they have been brought into force by this order, not apply in connection with the adoption to which the application relates.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into force on 15th February 1982, for Scotland only, the provisions of the Children Act 1975 specified in Schedule 1 and its Appendices to the Order, subject to the transitional provisions and adaptations contained in Schedule 2.

These provisions include provisions relating to:—

- (a) approval of adoption societies;
- (b) restriction on arranging adoption and placing children;
- (c) payment of allowances to adopters; and
- (d) assumption of parental rights and powers by local authorities and voluntary organisations.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This Note is not part of the Order.)*

The following provisions of the Children Act 1975 have been brought into force, for Scotland only, by commencement order made before the date of this Order:—

Provision	SI. No
Section 8(1) to (8)	1977/227
Section 10(1) and (2)	
Section 11(1) to (3)	
Section 12	
Section 17(1), (2) and (4)	
Section 21(4)	
Section 22(4), (5) and (6)	
Section 27	
Section 28(c)(iii)	
Sections 29 to 31	
Section 73	
Section 74 (partially)	
Section 76	
Section 77 (partially)	
Sections 79 and 81	
Schedules 3 (partially) and 4 (partially)	

The Order also contains transitional provisions and adaptations which have effect in connection with the provisions brought into force by the Order.

Section 24 1978/1440

The Order also contains a transitional provision and adaptation which has effect in connection with the provision brought into force by the Order.

## ENGLAND AND WALES

There is a separate series of commencement orders for the Children Act 1975 for England and Wales.



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