

STATUTORY INSTRUMENTS

1984 No. 1050 (C.22) (S.104)

CHILDREN AND YOUNG PERSONS

The Adoption (Scotland) Act 1978 Commencement Order 1984

Made - - - - 12th July 1984

In exercise of the powers conferred on me by section 67(2) of, and paragraph 8 of Schedule 2 to, the Adoption (Scotland) Act 1978(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation

1. This order may be cited as the Adoption (Scotland) Act 1978 (Commencement) Order 1984.

Interpretation

2. In this order—

- “the Act” means the Adoption (Scotland) Act 1978;
- “the 1958 Act” means the Adoption Act 1958(b);
- “the 1975 Act” means the Children Act 1975(c).

Appointed dates

3. The provisions of the Act shall come into force on 1st September 1984, except sections 1 and 2, which shall come into force on 1st February 1985.

Transitional provisions and adaptations

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

New St Andrew's House,
Edinburgh.
12th July 1984.

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

(a) 1978 c. 28.

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

(c) 1975 c. 72.

Article 4

SCHEDULE

TRANSITIONAL PROVISIONS AND ADAPTATIONS

1. In this Schedule “relevant date” means 1st September 1984.
2. Where an application for an adoption order has been made before, but has not been determined by, the relevant date, the provisions of sections 13, 22, 23, 25, 55, 58 and 59(2) of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.
3. Where an application for a provisional adoption order has been made before, but has not been determined by, the relevant date, the provisions of sections 13, 22, 23, 25, 49 and 58 of the Act shall, notwithstanding that they have been brought into force by this order, not apply in connection with that application.
4. Where, immediately before the relevant date, the provisions of section 36 of the 1958 Act applied in respect of a child in the care of a local authority, section 36(1) shall apply as if the 1958 Act had not been amended by paragraph 30(a) of Schedule 3 to the 1975 Act.
5. In relation to a child who, immediately before the relevant date, is a protected child within the meaning of Part IV of the 1958 Act, section 37(1) of that Act shall apply as if that section had not been amended by paragraph 31(a) of Schedule 3 to the 1975 Act and Part IX of Schedule 4 thereto.
6. Where, in relation to an application for an adoption order made before the relevant date, an interim adoption order has been made under section 8 of the 1958 Act and that order is in force immediately before the relevant date, section 25 of the Act shall, notwithstanding that it has been brought into force by this order, not apply in connection with that application.
7. Where a provisional adoption order has been made under section 53 of the 1958 Act and that order is in force immediately before the relevant date, section 52 of the Act shall apply as if that section had not been amended by paragraph 36(a) of Schedule 3 to the 1975 Act.
8. Until the coming into force of section 1 of the Act, the Act shall be subject to the following adaptations:—
 - (a) in sections 13, 18, 19, 20, 21, 22, 58 and 59 for the words “adoption agency” wherever they occur there shall be substituted the words “approved adoption society or local authority”; and
 - (b) in sections 13, 18, 19, 21 and 59 for the word “agency” wherever it occurs there shall be substituted the words “society or authority”.
9. Any reference in the Act to the Adoption Act 1976(a) shall be construed as a reference to the corresponding provisions of as the case may be, the 1958 Act, the Adoption Act 1968(b), or the 1975 Act until the Adoption Act 1976 is brought into force.

(a) 1976 c. 36.

(b) 1968 c. 53.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order brings into force on 1st September 1984 all the provisions of the Adoption (Scotland) Act 1978 except sections 1 and 2 which it brings into force on 1st February 1985. The Schedule to the order contains certain transitional provisions and adaptations.

SI 1984/1050
ISBN 0-11-047050-8



780110 470504