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**STATUTORY INSTRUMENTS**

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**1984 No. 1702 (C. 41) (S. 136)****CHILDREN AND YOUNG PERSONS****The Children Act 1975 (Scotland) (Commencement No. 5) Order  
1984**

*Made* - - - - - *15th October 1984*

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. 5) Order 1984.

(2) This order shall apply to Scotland only.

*Interpretation*

2. In this order—

“the Act” means the Children Act 1975;

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

*Appointed date*

3. The provisions of the Act specified in the first column of Schedule 1 to this order shall come into force on 30th June 1985.

*Transitional provisions*

4. The transitional provisions 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.  
15th October 1984.

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(a) 1975 c.72.

(b) 1968 c.49.

## Article 3

## SCHEDULE 1

## PROVISIONS OF THE ACT COMING INTO FORCE ON 30TH JUNE 1985

Column 1 <i>Provisions of the Act</i>	Column 2 <i>Subject matter</i>
Section 66	Insertion of section 34A into the 1968 Act (safeguarding of interests of children before children's hearings etc.).
Section 78	Insertion of section 18A of the 1968 Act (safeguarding of interests of children in proceedings relating to the assumption of parental rights) (a) .

## Article 4

## SCHEDULE 2

## TRANSITIONAL PROVISIONS

1. In this Schedule "relevant date" means 30th June 1985 and "relevant proceedings" means proceedings specified in section 18A or 34A of the 1968 Act.

2. Where relevant proceedings before a children's hearing or the Sheriff as the case may be have commenced before the relevant date but the children's hearing have not disposed of the case, or the Sheriff determined the application, by the relevant date, they shall not dispose of the case or determine the application until they have considered whether it is necessary to appoint a person to safeguard the interests of the child in accordance with section 18A or 34A of the 1968 Act respectively.

## EXPLANATORY NOTE

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

This order brings into force on 30th June 1985, for Scotland only, the provisions of the Children Act 1975 specified in Schedule 1 to the order subject to the transitional provisions contained in Schedule 2 thereto.

(a) Section 18A of the 1968 Act, as inserted by section 78 of the 1975 Act, was amended by section 7(3) of the Health and Social Services and Social Security Adjudications Act 1983 (c.41).

## 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 orders made before the date of this order:—

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) to (8) 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)(ii) Section 29 Section 30(1), (2) and (6) Section 31 Section 73 Section 74 (partially) Section 76 Section 77 (partially) Sections 79 and 81 Schedules 3 (partially) and 4 (partially)	}	7 March 1977  1977/227
Section 24	}	23 October 1978  1978/1440
Sections 4 to 7 Section 28(a), (b) (partially), (c) (i) and (d) Section 32 Section 74 (partially) Section 75 Schedules 3 (partially) and 4 (partially)	}	15 February 1982  1982/33
Section 9 Section 14 Section 15 Section 16 Section 18 Section 19 Section 20 Section 22(1) to (3) Section 23 Section 25 Section 48(3) and (4) Section 77 (partially) Section 80 Section 102 Schedule 3 (partially) Schedule 4 (partially)	}	1 September 1984  1984/554

Sections 1 and 2 of the Act were consolidated as sections 1 and 2 of the Adoption (Scotland) Act 1978 (c.28) and as such their date of commencement is 1st February 1985 by virtue of The Adoption (Scotland) Act 1978 Commencement Order 1984 (S.I. 1984/1050).

## ENGLAND AND WALES

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

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