
STATUTORY INSTRUMENTS

1995 No. 2787 (C.57) (S.205)

**CHILDREN AND YOUNG PERSONS
COURT OF SESSION, SCOTLAND
EDUCATION, SCOTLAND
FAMILY LAW
LEGAL AID AND ADVICE, SCOTLAND
REGISTRATION OF BIRTHS,
DEATHS, MARRIAGES, ETC.
SHERIFF COURT, SCOTLAND**

The Children (Scotland) Act 1995
(Commencement No.1) Order 1995

Made - - - - 24th October 1995

The Secretary of State, in exercise of the powers conferred upon him by section 105(1) of the Children (Scotland) Act 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Children (Scotland) Act 1995 (Commencement No.1) Order 1995.

Interpretation

2. In this Order “the Act” means the Children (Scotland) Act 1995.

Commencement

3. The provisions of the Act which are specified in column 1 of the Schedule to this Order shall come into force on 1st November 1995, but, where a particular purpose in relation to any such

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provision is specified in column 2 of that Schedule, that provision shall come into force on that day only for that purpose.

St Andrew's House, Edinburgh
24th October 1995

James Douglas-Hamilton
Minister of State, Scottish Office

SCHEDULE

Article 3

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST NOVEMBER 1995

Column 1 Provisions of the Act	Column 2 Purpose
Section 1(1) to (3)	Only for the purpose of bringing into force sections 15 and 103 and paragraph 12 of Schedule 4 to the Act
Section 15	
Section 35	
Section 37	
Section 99	
Section 103	
Section 104	
Section 105(4)	Only for the purpose of bringing into force the provisions of Schedule 4 to the Act specified in column 1 below
Section 105(5)	Only for the purpose of bringing into force the repeals in Schedule 5 to the Act which are referred to in column 1 below
In Schedule 4, paragraphs 12, 13, 18(1) and (2), 40(b), 45 and 53(1) and (3)	
In Schedule 5, the repeal specified in the Table below	

TABLE**REPEALS**

Chapter	Short Title	Extent of repeal
1965 c. 49	The Registration of Births, Deaths and Marriages (Scotland) Act 1965	In section 43, in subsection (3) the words from “In this” to the end; and subsection (10).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st November 1995 as the date for the coming into force of the provisions of the Children (Scotland) Act 1995 (“the Act”) which are specified in the Schedule to the Order, subject to any restriction of purpose specified in that Schedule.

The provisions of the Act which are specified in the Schedule to the Order fall into the following main groups, namely—

- (a) provisions relating to the legal capacity of children under the age of 16 years, namely section 99 and paragraphs 12, 13, 40(b), 53(1) and (3) of Schedule 4 and the associated repeal in Schedule 5;
- (b) provisions enabling rules of court to be made for the sheriff court and Court of Session as to how children’s views are to be expressed to the court, namely paragraphs 18(1) and (2) and 45 of Schedule 4;
- (c) provisions relating to the welfare of children in accommodation provided for the purposes of school attendance, namely section 35;
- (d) provisions relating to the disqualification of certain persons from registration as a child minder or as a provider of day care for children, namely section 37; and
- (e) ancillary provisions or provisions which are brought into force for limited purposes, such as sections 1(1) and (3) and 15 (interpretation), section 103 (interpretation, rules, regulations and Parliamentary procedure), section 104 (financial provision) and section 105(4) and (5) (amendments and repeals).