
STATUTORY INSTRUMENTS

1996 No. 2203

**The Children (Scotland) Act 1995 (Commencement
No.2 and Transitional Provisions) Order 1996**

Transitional provisions

5. Until the coming into force of section 86 of the Act, and without prejudice to the then operation of section 17(2)(b) of the Interpretation Act 1978—

- (a) in section 7(5) of the Act, the reference to an order under section 86 of the Act shall be construed as including a reference to a resolution under section 16(1) or 16A(2) of the 1968 Act; and
- (b) in section 11(4)(d) of the Act, the reference to a case in which the parental responsibilities or parental rights have been transferred to a local authority by a parental responsibilities order shall be construed as including a reference to a case in which the relevant parental rights and powers in relation to the child (as defined in section 16(3) of the 1968 Act) have vested in a local authority or a voluntary organisation by a resolution under section 16 or 16A of the 1968 Act.

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- (1) Section 16 was substituted by the Children Act 1975, section 74 and amended by the Adoption Act 1976 (c. 36), Schedule 3, paragraph 34; the Adoption (Scotland) Act 1978 (c. 28), Schedule 3, paragraphs 13 and 14; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 7(1); the Mental Health (Scotland) Act 1984 (c. 36), Schedule 3, paragraph 15; the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9), Schedule 1, paragraph 9 and the Age of Legal Capacity (Scotland) Act 1991 (c. 50), Schedule 1, paragraph 31; section 16(11)(e) was inserted by the Child Abduction and Custody Act 1985 (c. 60), section 25(6).
- (2) Section 16A was inserted by the Children Act 1975, section 75.