

SCHEDULE 2 MINOR AND CONSEQUENTIAL AMENDMENTS

Children (Scotland) Act 1995 (c. 36)

- 9 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 11 (court orders relating to parental responsibilities etc.)—
- (a) in subsection (4)—
 - (i) for “(3)(a)(iii)” substitute “(3)(ab)”, and
 - (ii) after paragraph (a) insert “or”,
 - (b) in subsection (5), after “(3)(a)” insert “and (ab)”, and
 - (c) in subsection (6), for the words from “have” to the end substitute “has the meaning given by section 119 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.
- (3) In subsection (1) of section 15 (interpretation of Part 1), in the definition of “parent”, after “30” insert “and Chapter 3 of Part 1 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.
- (4) In subsection (6) of section 17 (duty of local authority to child looked after by authority)—
- (a) the word “or” after paragraph (c) is repealed, and
 - (b) after paragraph (d) add “; or
 - (e) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect.”.
- (5) In section 44 (prohibition of publication of proceedings at children’s hearing), at end insert—
- “(6) The requirements of subsection (1) do not apply in relation to the publication by or on behalf of a local authority or an adoption agency (within the meaning of the Adoption and Children (Scotland) Act 2007 (asp 4)) of information about a child for the purposes of making arrangements in relation to the child under this Act or that Act.”.
- (6) In subsection (2) of section 54 (reference to the Principal Reporter by court)—
- (a) in paragraph (c), for the words from “Adoption” to the end of the paragraph, substitute “Adoption and Children (Scotland) Act 2007 (asp 4)”, and
 - (b) after that paragraph, insert—
 - “(ca) proceedings for the making, variation or revocation of a permanence order under that Act in respect of a child who is not subject to a supervision requirement;”.
- (7) In section 73 (duration and review of supervision requirement)—
- (a) in subsection (4), in paragraph (c), for the words from “applying” in subparagraph (i) to the end of that paragraph substitute—
 - “(i) applying under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (“the 2007 Act”) for a permanence order;

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- (ii) applying under section 92 of the 2007 Act for variation of such an order;
- (iii) applying under section 93 of the 2007 Act for amendment of such an order;
- (iv) applying under section 98 of the 2007 Act for revocation of such an order; or
- (v) placing the child for adoption,

and they intend to make any such application or to place the child for adoption.”,

- (b) after that subsection insert—

“(4A) The Scottish Ministers may make regulations specifying by reference to the occurrence of an event or events described in the regulations the period of time during which a referral under subsection (4)(c) is to be made.”,

- (c) in subsection (5), for “section 12 of the said Act of 1978” substitute “section 29 or 30 of the 2007 Act”,

- (d) in subsection (8), in paragraph (a), after sub-paragraph (iv) insert—

“(iva) the case has been referred to him under section 96(3) or 106 of the Adoption and Children (Scotland) Act 2007 (asp 4),”,

- (e) in subsection (13)—

(i) for the words from “section”, where it first occurs, to “1978” substitute “section 80 of the 2007 Act”, and

(ii) for “section 12” substitute “section 29 or 30”,

- (f) after subsection (13) insert—

“(13A) A report drawn up under subsection (13) shall be in such form as may be prescribed by the Scottish Ministers.”, and

- (g) in subsection (14), for the words from “section”, where it first occurs, to “1978”, substitute “section 29, 30 or 80 of the 2007 Act”.

- (8) In subsection (2) of section 93 (interpretation of Part 2), after paragraph (b) of the definition of “relevant person” insert—

“(ba) any person in whom parental responsibilities or parental rights are vested by, under or by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007 (asp 4));”.

- (9) In paragraph (a) of subsection (1) of section 101 (panel for curators *ad litem*, reporting officers and safeguarders), for “under section 58 of the Adoption (Scotland) Act 1978” substitute “by virtue of section 108 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

- (10) In paragraph 4 of Schedule 3 (transitional provisions and savings), for sub-paragraph (e) substitute—

“(e) the making of an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)) in respect of the child;

(f) the making of a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is

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mentioned in paragraph (c) of that subsection in respect of the child.”.