

SCHEDULE

Article 3

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST NOVEMBER 1996

Column 1 Provisions of the Act	Column 2 Subject matter	Column 3 Purpose
Part I	Parents, Children and Guardians	
Section 54	Reference to the Principal Reporter by court	
Section 93	Interpretation of Part II	
Section 98(1)	Amendments of the Adoption (Scotland) Act 1978	Only for the purpose of bringing into force the provisions of Schedule 2 to the Act specified in column 1
Section 98(2)	Interpretation of Part III	
Section 105(3)	Transitional provisions and savings	Only for the purpose of bringing into force the provisions of Schedule 3 to the Act specified in column 1
Section 105(4)	Amendments	Only for the purpose of bringing into force the provisions of Schedule 4 to the Act specified in column 1
Section 105(5)	Repeals	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 2, paragraphs— 1 7(a)(i), (b) and (c) 8(a) 9(a) 11(b) and (c) 12(b)(i) 13(a)(ii), (c)(ii) and (d) 14 17(b) 23 26	Amendments of the Adoption (Scotland) Act 1978	

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Column 1 Provisions of the Act	Column 2 Subject matter	Column 3 Purpose
29(a)(iii), (v) and (vi)		
In Schedule 3, paragraph 7	Transitional provisions and savings	
In Schedule 4, paragraphs– 1 to 6	Amendment of enactments	
7(1) to (5) and (6)(a)		
8 and 9		
10(b)		
11		
14		
15(1),(5), (17)(a)(ii), (20)(c) and (28)(d) and (e)		
18(3)		
19 and 20		
23(1)		
23(4)(a)		Only for the purpose of inserting paragraph (c) into section 7(2) of the Rehabilitation of Offenders Act 1974
23(4)(c)		
24(1), (4), (5), (10) and (11)		
26(1), (2), (3), (4)(a) and (c), and (5) to (7)		
27		
28(1) and (5)(a)		
29(1) and (2)		
30 and 31		
33(1) and (4)		
34		
36		
37(1), (5) and (6)(a)(i) and (ii)		
38		
39(1), (2)(a), (3)(a), (4) and (5) (b)		
41		

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Column 1 Provisions of the Act	Column 2 Subject matter	Column 3 Purpose
43		
46 and 47		
48(1) and (4)		
50 to 52		
53(2), (4) and (5)		
54(1) and (5)		
In Schedule 5, the repeals specified in the Table below	Repeals	

TABLE

REPEALS

Chapter	Short title	Extent of repeal
8 & 9 Vict. c.19.	Lands Clauses Consolidation (Scotland) Act 1845.	In section 7, the words “persons under legal disability by reason of nonage” in each place where they occur. In section 67, the words “persons under legal disability by reason of nonage”. In section 69, the words “persons under legal disability by reason of nonage”.
12 & 13 Vict. c.51.	Judicial Factors Act 1849.	In section 1, the words from “the word “Guardian” ” to “years;”. Section 25(2). In section 27, the words “guardians and”. In section 31, the word “guardian,”. In section 32, the word “guardian,”. In section 33, the words “guardians or”.

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Chapter	Short title	Extent of repeal
		In section 34, in both places where it occurs, the word “guardian,”.
		In section 36, the word “guardianships,”.
		In section 37, the word “guardian,”.
		In section 40, the word “guardians,” in both places where it occurs.
27 & 28 Vict. c.114.	Improvement of Land Act 1864.	In section 18, the words from “nor shall they” to the end. In section 21, the words from “or if the landowner” to “minors”; and the words “or circumstance” in both places where they occur.
43 & 44 Vict. c.4.	Judicial Factors (Scotland) Act 1880.	In section 3, in the definition of “judicial factor”, the words from “and” to “required”.
7 Edw.7 c.51.	Sheriff Courts (Scotland) Act 1907.	Section 5(2C). Section 38C.
11 & 12 Geo.5 c.58.	Trusts (Scotland) Act 1921.	In section 2, in the definition of “trustee”, the words from “guardian” to “years”.
1 Edw.8 & 1 Geo.6 c.37.	Children and Young Persons (Scotland) Act 1937.	In section 27, the first paragraph.
1 & 2 Geo.6 c.73.	Nursing Homes Registration (Scotland) Act 1938.	In section 4(1)(b)(iii), the words “custody or”.
14 & 15 Geo.6 c.65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 8(1)(d), the words from “or any order” to the end.
6 & 7 Eliz.2 c.40.	Matrimonial Proceedings (Children) Act 1958.	Sections 8 to 10. Section 12.
1968 c. 49.	Social Work (Scotland) Act 1968.	In section 94(1), the definition of “guardian”. In section 5B(5), the words from “and” at the end of the

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Chapter	Short title	Extent of repeal
		definition of child to the end of the subsection.
1972 c. 18.	Maintenance Orders (Reciprocal Enforcement) Act 1972.	Section 4(3).
1973 c. 29.	Guardianship Act 1973.	The whole Act.
1974 c. 53.	Rehabilitation of Offenders Act 1974.	In section 7(2) the words from “In the application” to the end.
1975 c. 72.	Children Act 1975.	Sections 47 to 49. Section 53.
1978 c. 28.	Adoption (Scotland) Act 1978.	In section 12, in subsection (3) (b), the words “or by”; and in subsection (4) the word “— (a)” and paragraph (b). In section 14(1), the words from “Subject” to “certain cases”). In section 15, in subsection (1), the words from “Subject” to “certain cases”); and in subsection (3), the word “natural” wherever it occurs. In section 65(1), in the definition of “guardian”, paragraph (b).
1984 c. 15.	Law Reform (Husband and Wife) (Scotland) Act 1984.	Section 3(2).
1984 c. 36.	Mental Health (Scotland) Act 1984.	Section 55(4).
1985 c. 37.	Family Law (Scotland) Act 1985.	In section 21, the words from “or an order” to “child”.
1986 c. 9.	Law Reform (Parent and Child) (Scotland) Act 1986.	Sections 2 to 4. In section 8, the definitions of “child” and “parental rights”. In Schedule 1, paragraph 3.
1986 c. 33.	Disabled Persons (Services, Consultation and Representation) Act 1986.	In section 16, in the definition of “guardian”, paragraph (b).
1986 c. 55.	Family Law Act 1986.	In section 15(4), the words from “under section” to “1973”.

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Chapter	Short title	Extent of repeal
		In section 17, in subsection (1), the words “Subject to subsection (2) below”; and subsection (2). In section 35(4) (c), the words “custody or”.
1988 c. 36.	Court of Session Act 1988.	Section 20.
1989 c. 41.	Children Act 1989.	In Schedule 13, paragraph 13.
1991 c. 48.	Child Support Act 1991.	In section 5(1), the words “(or, in Scotland, parental rights over)” in both places where they occur.
		In section 54, the definition of “parental rights”.
1991 c. 50.	Age of Legal Capacity (Scotland) Act 1991.	In section 5(1), the words “or tutory”.
		In section 9, the definition of “parental rights”. In Schedule 1, paragraphs 3 to 5 and 7 to 15.
1993 c. 35.	Education Act 1993.	In Schedule 19, paragraph 36.