

**2014 No. 353 (C. 31)**

**CHILDREN AND YOUNG PERSONS**

**EDUCATION**

**The Children and Young People (Scotland) Act 2014  
(Commencement No. 5 and Saving Provision) Order 2014**

*Made* - - - - - *9th December 2014*

*Laid before the Scottish Parliament* *10th December 2014*

*Coming into force* - - - *9th January 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 102(3) and (4) of the Children and Young People (Scotland) Act 2014(a).

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Children and Young People (Scotland) Act 2014 (Commencement No. 5 and Saving Provision) Order 2014 and comes into force on 9th January 2015.

(2) In this Order—

“the 2014 Act” means the Children and Young People (Scotland) Act 2014;

“the 2011 Act” means the Children’s Hearings (Scotland) Act 2011(b); and

“the 2010 Act” means the Schools (Consultation) (Scotland) Act 2010(c).

**Appointed day**

**2.**—(1) 9th January 2015 is the day appointed for the coming into force of—

(a) section 81(4) and (5) of the 2014 Act (school closure review panels) for the purpose of bringing into force section 17A(5) of, and schedule 2A to, the 2010 Act(d) (in so far as not already in force); and

(b) section 81(7), (10), (11)(a) and (12) of the 2014 Act.

(2) 26th January 2015 is the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the Schedule to this Order (the subject-matter of which is described in column 2 of the Schedule).

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(a) 2014 asp 8.

(b) 2011 asp 1.

(c) 2010 asp 2.

(d) Paragraphs 1(9) and 2(5) of schedule 2A were brought into force on 1st August 2014 by S.S.I. 2014/165 so far as is necessary to enable the Scottish Ministers to make Regulations.

(3) Where a purpose is specified in column 3 of the Schedule to this Order in relation to any provision specified in column 1 of that Schedule, that provision comes into force on 26th January 2015 for that purpose only.

**Saving provision**

**3.**—(1) Where paragraph (2) applies, section 54(c) and (d) of the 2011 Act (termination of order after maximum of 8 working days) continue to have effect on and after 26th January 2015 as they had effect immediately before that date.

(2) This paragraph applies in the case of a child protection order<sup>(a)</sup> made before 26th January 2015.

*AILEEN CAMPBELL*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
9th December 2014

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(a) As defined in section 37(2) of the 2011 Act. Section 54 of the 2011 Act makes provision in respect of termination of child protection orders.

## SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the 2014 Act</i>	<i>Column 2</i> <i>Subject-matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 82	Safeguarders: exceptions to duty to prepare report on appointment	
Section 83	Maximum period of child protection order	
Section 84	Power to determine that deeming of person as relevant person to end	
Section 85	Grounds hearing: non-acceptance of facts supporting ground	
Section 86	Failure of child to attend grounds hearing: power to make interim order	
Section 87	Limit on number of further interim compulsory supervision orders	
Section 88	Area support teams: establishment	
Section 89	Area support teams: administrative support by local authorities	
Section 90	Interpretation of Part 16	
Section 98	Modification of enactments (consequential amendments)	For the purpose of commencing paragraph 3(1) and (2) and paragraph 12(1) to (9) of schedule 5 to the 2014 Act
Schedule 5, paragraph 3(1) and (2) and paragraph 12(1) to (9)	Consequential amendments	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force section 81(4) and (5) (school closure review panels) of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”) on 9th January 2015, for the purpose of bringing into force section 17A(5) of, and schedule 2A to, the Schools (Consultation) (Scotland) Act 2010 (so far as not already in force), and section 81(7), (10), (11)(a) and (12) of the 2014 Act.

This Order also brings into force the following provisions of the 2014 Act on 26th January 2015: sections 82, 83, 84, 85, 86, 87, 88, 89 and 90, which make amendments to the Children’s Hearings (Scotland) Act 2011 (asp 1) (“the 2011 Act”); paragraphs 3(1) and (2) and 12(1) to (9) of schedule 5, which make further consequential amendments to the 2011 Act; and section 98 for the purpose of commencing those paragraphs in schedule 5 to the 2014 Act.

Article 3 makes saving provision in relation to the commencement of section 83 of the 2014 Act. It provides that where a child protection order was made before 26th January 2015 but had not, by that date, ceased to have effect, section 54(c) and (d) will continue to have effect as it did before that date.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The Bill for the 2014 Act received Royal Assent on 27th March 2014. Section 102(1) brought Part 18 of the 2014 Act into force on the day after Royal Assent (apart from sections 96, 97 and 98). Section 102(2) brought subsections (2) to (5) of section 47 (duty to secure provision of early learning and childcare) into force on the day after Royal Assent. The provisions of the 2014 Act commenced by earlier commencement orders are detailed below.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 46	28th June 2014	2014/131
Section 47(1) and (6)	1st August 2014	2014/131
Section 48	1st August 2014	2014/131
Section 49	1st August 2014	2014/131
Section 50	1st August 2014	2014/131
Section 51	1st August 2014	2014/131
Section 52	1st August 2014	2014/131
Section 53	1st August 2014	2014/131
Section 54	1st August 2014	2014/131
Section 55	1st August 2014	2014/131
Section 57 (partially)	1st August 2014	2014/131
Section 66 (partially)	1st August 2014	2014/131
Section 67(1) (partially)	1st August 2014	2014/131
Section 68 (partially)	1st August 2014	2014/131
Section 69	1st August 2014	2014/131
Section 70	1st August 2014	2014/131
Section 71 (partially)	1st August 2014	2014/131
Section 72	1st August 2014	2014/131
Section 73 (partially)	1st August 2014	2014/131
Section 74	1st August 2014	2014/131
Section 76	1st August 2014	2014/165
Section 77	1st August 2014	2014/165
Section 78	1st August 2014	2014/165
Section 79	1st August 2014	2014/165

Section 80	1st August 2014	2014/165
Section 81(1)(a), (b) and (c) and (3)(b)	1st August 2014	2014/165
Section 81(4) (partially)	1st August 2014	2014/165
Section 81(4) (partially)	6th October 2014	2014/251
Section 81(5) (partially)	1st August 2014	2014/165
Section 81(8)(b) (partially)	1st August 2014	2014/165
Section 81(9) (partially)	6th October 2014	2014/251
Section 91 (partially)	1st August 2014	2014/131
Section 93(6) (partially)	1st August 2014	2014/131
Section 93 (so far as not already commenced)	5th January 2015	2014/314
Section 94	1st August 2014	2014/131
Section 96 (partially)	1st August 2014	2014/131
Section 97	1st August 2014	2014/131
Section 98 (partially)	28th June 2014	2014/131
Section 98 (partially)	1st August 2014	2014/131
Section 98 (partially)	5th January 2015	2014/314
Schedule 5, paragraph 1	1st August 2014	2014/131
Schedule 5, paragraph 2(1) and (6)	28th June 2014	2014/131
Schedule 5, paragraph 2(2)	1st August 2014	2014/131
Schedule 5, paragraph 2(3)	5th January 2015	2014/314
Schedule 5, paragraph 2(4)(b) (partially)	1st August 2014	2014/131
Schedule 5, paragraph 2(4) (so far as not already commenced)	5th January 2015	2014/314
Schedule 5, paragraph 2(5)(b) (partially)	1st August 2014	2014/131
Schedule 5, paragraph 2(5) (so far as not already commenced)	5th January 2015	2014/314
Schedule 5, paragraph 6	1st August 2014	2014/131
Schedule 5, paragraph 7	28th June 2014	2014/131
Schedule 5, paragraph 10	1st August 2014	2014/131

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