
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 254 (C. 22)

CHILDREN AND YOUNG PERSONS

**The Children and Young People (Scotland) Act 2014
(Commencement No. 12 and Saving Provision) Order 2016**

Made - - - - 6th September 2016
*Laid before the Scottish
Parliament* - - - - 8th September 2016
Coming into force - - 7th October 2016

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(1).

Citation and commencement

1. This Order may be cited as the Children and Young People (Scotland) Act 2014 (Commencement No. 12 and Saving Provision) Order 2016 and comes into force on 7th October 2016.

Interpretation

2. In this Order—

“the 2003 Act” means the Commissioner for Children and Young People (Scotland) Act 2003(2); and

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

Days appointed

3.—(1) 7th October 2016 is the day appointed for the coming into force of the following provisions of the 2014 Act—

(a) section 7 and sections 9 to 18; and

(b) so far as not already in force, section 8.

(2) 28th November 2016 is the day appointed for the coming into force of the following provisions of the 2014 Act—

(1) 2014 asp 8.
(2) 2003 asp 17.

- (a) section 92; and
- (b) paragraph 3(3) of schedule 5.

(3) 1st April 2017 is the day appointed for the coming into force of the following provisions of the 2014 Act—

- (a) sections 2 and 3;
- (b) schedule 1; and
- (c) paragraphs 4(2), 4(3), 5(3), 9, 11(2), 11(3) and 11(4) of schedule 5.

(4) 7th August 2017 is the day appointed for the coming into force of sections 5 and 6 of the 2014 Act.

Saving provision

4. Despite article 3(4) appointing 7th August 2017 as the day on which section 5 (investigations) of the 2014 Act comes into force, the 2003 Act continues to have effect on and after that date as it had effect immediately before that date in relation to any investigation under section 7 of the 2003 Act which—

- (a) has commenced prior to that date; and
- (b) has not concluded by that date.

St Andrew's House,
Edinburgh
6th September 2016

MARK McDONALD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

The Order commences all of the sections in Parts 1 (rights of children), 2 (commissioner for children and young people in Scotland) and 3 (children’s services planning) of the 2014 Act, so far as not already in force. It also commences section 92 (power of Scottish Ministers to modify circumstances in which children’s legal aid to be made available).

Article 3(1) appoints 7th October 2016 as the day for the coming into force of sections 7 and 9 to 18 and, so far as not already in force, section 8 of the 2014 Act. Section 8 was partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make orders under that section. These provisions all relate to children’s services planning.

Article 3(2) appoints 28th November 2016 as the day for the coming into force of section 92 and paragraph 3(3) of schedule 5 of the 2014 Act. These provisions amend the Legal Aid (Scotland) Act 1986.

Article 3(3) appoints 1st April 2017 as the day for the coming into force of sections 2 and 3 and schedule 1 of the 2014 Act. These provisions relate to the rights of children. In addition, article 3(3) appoints 1st April 2017 as the day for the coming into force of paragraphs 4(2) and (3), 5(3), 9 and 11(2) to (4) of schedule 5 of the 2014 Act. These provisions all relate to children’s services planning.

Article 3(4) appoints 7th August 2017 as the day for the coming into force of sections 5 and 6 of the 2014 Act. These provisions relate to the Commissioner for Children and Young People in Scotland.

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 in the table below.

The Children and Young People (Scotland) Act 2014 (Commencement No. 11) Order 2016 (S.S.I. 2016/60) was partially revoked by the Children and Young People (Scotland) Act 2014 (Commencement No. 11) Partial Revocation Order 2016 (S.S.I. 2016/233). The table below reflects this revocation.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|------------------------|-----------------------------|-------------------|
| Section 1 | 15th June 2015 | 2015/61 |
| Section 4 | 15th June 2015 | 2015/61 |
| Section 8 (partially) | 30th September 2015 | 2015/317 |
| Section 19 (partially) | 5th January 2016 | 2015/406 |
| Section 30 (partially) | 5th January 2016 | 2015/406 |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 31 (partially) | 5th January 2016 | 2015/406 |
| Section 33 (partially) | 5th January 2016 | 2015/406 |
| Section 34 (partially) | 5th January 2016 | 2015/406 |
| Section 35 (partially) | 5th January 2016 | 2015/406 |
| Section 37 (partially) | 5th January 2016 | 2015/406 |
| Section 39 (partially) | 5th January 2016 | 2015/406 |
| Section 43 (partially) | 5th January 2016 | 2015/406 |
| Section 44 (partially) | 5th January 2016 | 2015/406 |
| Section 45 (partially) | 5th January 2016 | 2015/406 |
| 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 56 | 1st April 2015 | 2015/61 |
| Section 57 (partially) | 1st August 2014 | 2014/131 |
| Section 57 (so far as not already in force) | 1st April 2015 | 2015/61 |
| Section 58 | 1st April 2015 | 2015/61 |
| Section 59 | 1st April 2015 | 2015/61 |
| Section 60 | 1st April 2015 | 2015/61 |
| Section 61 | 1st April 2015 | 2015/61 |
| Section 62 | 1st April 2015 | 2015/61 |
| Section 63 | 1st April 2015 | 2015/61 |
| Section 64 | 1st April 2015 | 2015/61 |
| Section 65 | 1st April 2015 | 2015/61 |
| Section 66 (partially) | 1st August 2014 | 2014/131 |
| Section 66 (so far as not already in force) | 1st April 2015 | 2015/61 |
| Section 67(1) (partially) | 1st August 2014 | 2014/131 |
| Section 67(1) (so far as not already in force) | 1st April 2015 | 2015/61 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|---|-----------------------------|-------------------|
| Section 67(2) | 1st April 2015 | 2015/61 |
| Section 68 (partially) | 1st August 2014 | 2014/131 |
| Section 68 (so far as no already in force) | 31st August 2016 | 2016/60 |
| Section 69 | 1st August 2014 | 2014/131 |
| Section 70 | 1st August 2014 | 2014/131 |
| Section 71 (partially) | 1st August 2014 | 2014/131 |
| Section 71 (so far as not already in force) | 1st April 2016 | 2015/406 |
| Section 72 | 1st August 2014 | 2014/131 |
| Section 73 (partially) | 1st August 2014 | 2014/131 |
| Section 73 (so far as not already in force) | 1st April 2016 | 2015/406 |
| Section 74 | 1st August 2014 | 2014/131 |
| Section 75 (partially) | 30th September 2015 | 2015/317 |
| Section 75 (so far as not already in force) | 1st April 2016 | 2015/406 |
| 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) | 1st August 2014 | 2014/165 |
| Section 81(1)(d) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(2) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(3)(a) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(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(4) (partially) | 9th January 2015 | 2014/353 |
| Section 81(4) (partially) | 9th January 2015 | 2014/365 |
| Section 81(4) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(5) (partially) | 1st August 2014 | 2014/165 |
| Section 81(5) (so far as not already in force) | 9th January 2015 | 2014/353 |
| Section 81(6) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(7) | 9th January 2015 | 2014/353 |
| Section 81(8) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(8)(b) (partially) | 1st August 2014 | 2014/165 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 81(9) (partially) | 6th October 2014 | 2014/251 |
| Section 81(9) (so far as not already in force) | 9th January 2015 | 2014/365 |
| Section 81(10) | 9th January 2015 | 2014/353 |
| Section 81(11)(a) | 9th January 2015 | 2014/353 |
| Section 81(11)(b) (so far as not already in force) | 30th March 2015 | 2015/104 |
| Section 81(12) | 9th January 2015 | 2014/353 |
| Section 82 | 26th January 2015 | 2014/353 |
| Section 83 | 26th January 2015 | 2014/353 |
| Section 84 | 26th January 2015 | 2014/353 |
| Section 85 | 26th January 2015 | 2014/353 |
| Section 86 | 26th January 2015 | 2014/353 |
| Section 87 | 26th January 2015 | 2014/353 |
| Section 88 | 26th January 2015 | 2014/353 |
| Section 89 | 26th January 2015 | 2014/353 |
| Section 90 | 26th January 2015 | 2014/353 |
| Section 91 (partially) | 1st August 2014 | 2014/131 |
| Section 91 (so far as not already in force) | 1st February 2016 | 2015/406 |
| Section 93(6) (partially) | 1st August 2014 | 2014/131 |
| Section 93 (so far as not already in force) | 5th January 2014 | 2014/314 |
| Section 94 | 1st August 2014 | 2014/131 |
| Section 95 | 31st August 2016 | 2016/60 |
| Section 96 (partially) | 1st August 2014 | 2014/131 |
| Section 96 (partially) | 1st April 2015 | 2015/61 |
| Section 96 (so far as not already in force) | 5th January 2016 | 2015/406 |
| 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 |
| Section 98 (partially) | 26th January 2015 | 2014/353 |
| Section 98 (partially) | 1st April 2015 | 2015/61 |
| Section 98 (partially) | 30th September 2015 | 2015/317 |
| Section 98 (partially) | 1st April 2016 | 2015/406 |
| Schedule 4 | 1st April 2015 | 2015/61 |
| Schedule 5, paragraph 1 | 1st August 2014 | 2014/131 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|---|-----------------------------|--------------------------|
| 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 in force) | 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 in force) | 5th January 2015 | 2014/314 |
| Schedule 5, paragraph 3(1) and (2) | 26th January 2015 | 2014/353 |
| Schedule 5, paragraph 4(1) and (4) | 30th September 2015 | 2015/317 |
| Schedule 5, paragraph 5(1) and (2) | 30th September 2015 | 2015/317 |
| Schedule 5, paragraph 6 | 1st August 2014 | 2014/131 |
| Schedule 5, paragraph 7 | 28th June 2014 | 2014/131 |
| Schedule 5, paragraph 8 | 1st April 2015 | 2015/61 |
| Schedule 5, paragraph 10 | 1st August 2014 | 2014/131 |
| Schedule 5, paragraph 11(1), (5) and (6) (partially) | 30th September 2015 | 2015/317 |
| Schedule 5, paragraph 11(1), (5) and (6) (so far as not already in force) | 1st April 2016 | 2015/406 |
| Schedule 5, paragraph 12(1) to (9) | 26th January 2015 | 2014/353 |
| Schedule 5, paragraph 12(10) | 30th September 2015 | 2015/317 |