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SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

F1 Sch. 1 repealed by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), s. 22, Sch. 3

^{F1}

SCHEDULE 2

Section 31.

AMENDMENT OF PART IV OF THE ^{M1}CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937

Marginal Citations

M1 1937 c. 37.

PART I

General Adaptations

[^{F2}1 Any reference to a child or to a young person shall be construed as a reference to a child as defined in section 93(2)(b) of the Children (Scotland) Act 1995.]

Textual Amendments

F2 Sch. 2 para. 1 substituted (S.) (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), Sch. 4 para. 15(30) (with s. 103(1)); S.I. 1996/3201, art. 3(6)(7) (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, art. 2 (with transitional provisions inserted into S.I. 1996/3201 by art. 3))

2 Any reference to a court of summary jurisdiction or to a juvenile court . . . ^{F3} shall be construed as a reference to the sheriff sitting summarily.

Textual Amendments

F3 Words repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

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PART II

SPECIFIC ADAPTATIONS

3—6 F4

Textual Amendments

F4 Sch. 2 Pt. II paras. 3—6 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 10 Pt. I](#)

7 In section 46(1) for the words “child or young person”, in both places where these words occur, there shall be substituted the words “a person under the age of seventeen years”.

Modifications etc. (not altering text)

C1 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8—15. F5

Textual Amendments

F5 Sch. 2 Pt. II paras. 8—15 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 10 Pt. I](#)

16 F6

Textual Amendments

F6 Sch. 2 para. 16 repealed by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), s. 70(2), [Sch. 2](#)

17 F7

Textual Amendments

F7 Sch. 2 Pt. II para. 17 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 10 Pt. I](#)

18 In section 62, for the words “an approved school” there shall be substituted the words “a residential establishment”, and in paragraph (c), for the word “school” there shall be substituted the words “residential establishment”.

Modifications etc. (not altering text)

C2 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced

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19, 20. F8

Textual Amendments

F8 Sch. 2 Pt. II paras. 19, 20 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

SCHEDULE 3

Section 33.

CHILDREN’S PANELS

Appointment

1 The Secretary of State shall appoint such number of members of children’s panels for each local authority area as he considers appropriate and from among these members he shall appoint a chairman and a deputy chairman.

2 A member of a children’s panel shall hold office for such period as is specified by the Secretary of State, but may be removed from office by the Secretary of State at any time.

Children’s Panel Advisory Committee

3 [F9 Subject to paragraph 5B below,] each local authority shall form a Children’s Panel Advisory Committee consisting of

- [F10 F11 (i)
- (ii) F12 . . .]

two members nominated by the local authority and three members nominated by the Secretary of State . . . F13

Textual Amendments

- F9** Words in Sch. 3 para. 3 inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 76(25)(a)(i); S.I. 1996/323, art. 4(1)(b)(c)
- F10** Para. 3(i)(ii) inserted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 27 Pt. II para. 187(a)
- F11** Sch. 3 para. 3(i) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 76(25)(a)(ii), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2
- F12** Sch. 3 para. 3(ii): the words “in any other case,” repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 76(25)(a)(ii), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2
- F13** Words repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 29

Modifications etc. (not altering text)

C3 Para. 3 extended by Local Government (Scotland) Act 1975 (c. 30, SIF 81:2), s. 23(2)

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- [^{F14}3A The Secretary of State may, at the request of the local authority provide for an increase in the membership of the Children’s Panel Advisory Committee for the area of the authority by such number, not exceeding 5, of additional members as the authority specify in relation to their request, the additional members to be nominated as follows—
- (a) the first, second and fourth additional members, by the Secretary of State;
 - (b) the third and fifth additional members, by the local authority]

Textual Amendments

F14 Sch. 3 para. 3A added by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 49:6\), s. 24](#)

- 4 The chairman of the Children’s Panel Advisory Committee shall be appointed by the Secretary of State from among the members he has nominated, and shall be resident in the area of the local authority.
- 5 It shall be the duty of the Children’s Panel Advisory Committee—
- (a) to submit names of possible panel members to the Secretary of State;
 - (b) to advise the Secretary of State as required on the suitability of persons referred to him as possible members; and
 - (c) to advise the Secretary of State on such matters relating to the general administration of panels as he may refer to them.
- [^{F15}5A The Children’s Panel Advisory Committee shall have power—
- (a) to appoint sub-committees;
 - (b) to appoint to any such sub-committee persons who are not members of the Children’s Panel Advisory Committee; and
 - (c) to refer all or any of the duties set out in paragraph 5 above to any such sub-committee for their advice;
- and the provisions of paragraph 8 below shall apply to any persons appointed under sub-paragraph (b) above as they apply to members of the Children’s Panel Advisory Committee.]

Textual Amendments

F15 Sch. 3 para. 5A added by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), Sch. 27 Pt. II para. 187\(b\)](#)

- [^{F16}5B (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children’s Panel Advisory Committee for their areas (hereafter referred to as a “joint advisory committee”).
- (2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.
- (3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and the local authorities shall comply with any such direction.

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- (4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children's Panel Advisory Committee formed under the said paragraph 3.]

Textual Amendments

- F16** Sch. 3 para. 5B inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 76(25)(b); S.I. 1996/323, art. 4(1)(b)(c)

Recruitment and Training of Panel Members

- 6 The Secretary of State may make such arrangements as he considers appropriate to recruit and train members or possible members of children's panels.
- 7 Each local authority [^{F17}shall] make such arrangements as they consider appropriate—
- (a) to enable the Children's Panel Advisory Committee to obtain names for submission to the Secretary of State as possible panel members, and
 - (b) to train panel members or possible panel members.

Textual Amendments

- F17** Words in Sch. 3 para. 7 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 76(25)(c); S.I. 1996/323, art. 4(1)(b)(c)

Expenses of Panel Members

- [^{F18}A local authority may pay—
- (a) to a member or possible member of the children's panel,
 - (b) to a member of the Children's Panel Advisory Committee,
- such allowances as may be determined by the Secretary of State; and he may determine differently in relation to different cases or classes of case.]

Textual Amendments

- F18** Sch. 3 para. 8 substituted by Local Government and Housing Act 1989 (c. 42), s. 194(1), Sch. 11 para. 15

^{F19}SCHEDULE 4

Textual Amendments

- F19** Sch. 4 repealed by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 43, 45, Sch. 5

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SCHEDULE 5

Section 64.

APPEAL TRIBUNALS

SCHEDULE 6

Section 84.

TRANSFER OF ASSETS AND LIABILITIES

- 1 Every agreement to which the transferor was a party immediately before the date of transfer shall have effect as from that date in favour of or against the transferee as if the transferee had been a party to the agreement instead of the transferor.
- 2 Where the functions of the transferor are transferred to more than one transferee the property, rights, liabilities and obligations of the transferor shall be allocated in such a manner as relates to the allocation of the functions transferred to each of the transferees.
- 3 Any legal or other proceedings to which the transferor is a party which are pending on the date of the transfer may be continued on or after that date as if the transferee instead of the transferor had been that party.
- 4 The Secretary of State may make regulations for facilitating the transfer of any property, rights, liabilities or obligations in pursuance of this Act.
- 5 In this Schedule—
- (a) “transferor” means a body or person from whom a function has been transferred under this Act and from whom any property, right, liability or obligation has been so transferred, and
 - (b) “transferee” means a local authority to whom a function or any property, right, liability or obligation has been so transferred,
- and “transfer of function” includes the giving of a function to a local authority which was previously performed by another body including another local authority.

SCHEDULE 7

Section 93.

TRANSITIONAL PROVISIONS

Registration of existing establishments

- 1 (1) Until the expiration of a period of two years beginning with the commencement of Part IV of this Act, or until registration is effected or refused under the said Part IV, whichever of those three events first occurs—
- (a) a registration in respect of any establishment under any enactment repealed by this Act shall for the purposes of this Act be deemed to be a registration kept by a local authority under [F20 section 62] thereof, and
 - (b) a registration in respect of any establishment (other than an approved school) not required under any enactment immediately before the said commencement but required thereafter shall for the purposes of this Act be deemed to be kept as aforesaid by a local authority so long as there is no change of user.

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- (2) Notwithstanding the coming into operation of the said Part IV, the provisions of the said Part shall not apply in relation to approved schools until the commencement of Part III of this Act and thereafter, until the expiration of a period of two years beginning with the said commencement or until registration is effected or refused under the said Part IV, whichever of these three events first occurs, a registration in respect of an approved school required under the said Part IV shall, subject to the provisions of the next following paragraph, be deemed to be kept by the Secretary of State under that Part.
- (3) Before the expiration of the period of two years mentioned in either of the two foregoing sub-paragraphs, the persons responsible for the management of any establishment deemed to be registered as aforesaid shall, if they intend the establishment to continue for the purposes in respect of which it is so deemed, make application for registration in accordance with the provisions of the said Part IV.

Textual Amendments

F20 Words substituted by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), s. 73(4)(c), [Sch. 5 para. 69](#)

Approved schools

- 2 (1) The following enactments shall, notwithstanding the repeal or exclusion by this Act of any such enactment, continue to have effect, with any necessary modifications, in relation to establishments which were approved schools immediately before the commencement of Part III of this Act until such time as the Secretary of State otherwise directs, either generally or in regard to any particular establishment—
- (a) the ^{M2}Children and Young Persons (Scotland) Act 1937: sections 83(2) and (3) and 85(1), (2)(a) and (c) (surrender of certificate of approval of approved school and classification and administration etc. of approved schools); section 107(1)(a)(i) and (b) and (2) (exchequer grants and expenses of the Secretary of State);
- (b) the ^{M3}Criminal Justice (Scotland) Act 1963: sections 21 and 22 (directions as to management of approved schools and constitution of managers).
- (2) Until such time as the Secretary of State makes a direction under sub-paragraph (1) of this paragraph in respect of an establishment the payments made by a local authority under this Act in respect of the expenses of carrying on the establishment shall be at such rate as the Secretary of State shall from time to time prescribe.
- (3) Until such time as aforesaid any contributions or sums received by a local authority by virtue of any order or decree made under Part VI of this Act, or deemed to be so made, in respect of a child in an establishment shall be paid to the Secretary of State, but subject to such deductions in respect of the services rendered by the authority as may be prescribed.

Marginal Citations

M2 1937 c. 37.

M3 1963 c. 39.

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Contributions in respect of children taken into care

- 3 After the commencement of Part II of this Act and until the commencement of Part VI thereof, Part III of the ^{M4}Children Act 1948 shall have the like effect in relation to children taken into care under section 15 of this Act as it had in relation to children taken into care under section 1 of that Act.

Marginal Citations

M4 1948 c. 43.

Approved school orders, fit person orders, and supervision orders

- 4 (1) This paragraph applies to children who immediately before the commencement of Part III of this Act were in any of the following classes, that is to say children who are—
- (a) subject to an approved school order,
 - (b) committed to the care of a fit person under an order of a court,
 - (c) under a supervision order,
 - (d) subject to an order of committal to custody in a remand home.
- (2) Subject to the next following sub-paragraph, a child to whom this paragraph applies shall, on the coming into operation of the said Part III, continue to be subject to any such order as aforesaid, and any provision of any enactment applying to the operation of the order and the treatment of the child shall, notwithstanding the repeal or exclusion by this Act of any such provision, continue so to apply.
- (3) It shall be the duty of such local authorities as may be prescribed by the Secretary of State, by such date, and in such circumstances and in such cases as may be so prescribed to arrange for children to whom this paragraph applies to be brought before a children's hearing for the consideration and disposal of their cases under Part III of this Act, and on the disposal of a case the order relating to the child shall cease to have effect.
- (4) The provisions of the last foregoing sub-paragraph shall apply in the case of a child over the age of sixteen years who has not attained the age of eighteen years, but where a child has attained the age of eighteen years, on such date as the Secretary of State may prescribe, the order relating to the child shall cease to have effect.

Jurisdiction of courts

- 5 (1) Subject to the next following sub-paragraph, on the commencement of Part III of this Act, for the purpose of continuing the jurisdiction of courts in respect of children and young persons who before the said commencement have been charged with an offence, and in respect of children and young persons whose cases have been disposed of but where the courts have continuing functions at the time of that commencement arising from the form of disposal, the provisions of any enactment relating to those courts and cases in them shall, notwithstanding the repeal or exclusion by this Act of any such provisions, continue to have effect in relation to those courts and to those cases.
- (2) In the case of a juvenile court constituted under section 51 of the ^{M5}Children and Young Persons (Scotland) Act 1937, the provisions of the foregoing sub-paragraph

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shall apply until such time as the Secretary of State otherwise directs, and on any such direction being made any question arising from the imposition of an order of such a court shall be dealt with by the sheriff having jurisdiction in the former area of that court as if the order had been made by him.

Marginal Citations

M5 1937 c. 37.

- 6 On the coming into operation of the said Part III the jurisdiction of a juvenile court in relation to the care and protection of children shall cease, and any case of a child under the age of sixteen years which was before the court under that jurisdiction immediately before the said commencement shall stand referred to the ^[F21]Principal Reporter] of the local authority in whose area the child is ordinarily resident, or, where his ordinary residence is not known or is furth of Scotland, to the ^[F21]Principal Reporter] of the local authority in whose area the circumstances arose which brought his case before the court.

Textual Amendments

F21 Words in Sch. 7 para. 6 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 76(26)(27); S.I. 1996/323, art. 4(1)(b)(c)

Remand Home Grant

- 7 Until such time as the Secretary of State may direct, section 107(a)(iii) of the ^{M6}Children and Young Persons (Scotland) Act 1937 shall continue to have effect.

Marginal Citations

M6 1937 c. 37.

Probation Grant

- 8 Until such time as the Secretary of State may by order direct, section 75 (3)(a) and (b), (4) and (5) of the ^{M7}Criminal Justice (Scotland) Act 1949 shall continue to have effect.

Marginal Citations

M7 1949 c. 94.

Interpretation

- 9 In this Schedule the following expressions have the meanings assigned to them—
“approved school” means a school approved under section 83 of the ^{M8}Children and Young Persons (Scotland) Act 1937.
“approved school order” has the meaning assigned to it by section 110(1) of the said Act of 1937.

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“remand home” has the meaning assigned to it by section 78(1) of the ^{M9}Criminal Justice (Scotland) Act 1949.

“supervision order” has the meaning assigned to it by section 72 of the said Act of 1949.

Marginal Citations

M8 1937 c. 37.

M9 1949 c. 94.

SCHEDULE 8

Section 95(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1 F22

Textual Amendments

F22 Sch. 8 para. 1 repealed by *Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)*, **Sch. 10 Pt. I**

2—5 F23

Textual Amendments

F23 Sch. 8 paras. 2–5 repealed by *Children and Young Persons Act 1969 (c. 54, SIF 20)*, **ss. 72(4), 73(4)(d)**, Sch. 6

^{M10}*Children and Young Persons (Scotland) Act 1937*

Marginal Citations

M10 1937 c. 37.

6 In section 38(3), for the words “an approved school” there shall be substituted the words “a residential establishment where education is provided”.

Modifications etc. (not altering text)

C4 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7 (1) In section 87(1), for the words from “to an approved school” to the end of the subsection there shall be substituted the words “to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions

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of this Act and of the ^{M11}Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in England or Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were authority for his detention for a period not exceeding the period for which he might be detained under the approved school order or, as the case may be, the training school order made in respect of him”.

(2) In section 87(2)

to (4), any reference to an approved school in Scotland shall be construed as a reference to a place in respect of which the Secretary of State has made, or may make, a direction under subsection (1) [^{F24}]; and in section 87(2) and (4) the words “England or”, wherever they occur, shall be omitted.]

(3) In section 87(3), the words from “approved school as” to the end of the subsection shall be omitted, and there shall be substituted the words “to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order were an order for committal for residential training made under section 58A of this Act made upon the same date”.

Textual Amendments

F24 Words inserted by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), s. 73(4)(c), [Sch. 5 para. 70\(b\)](#)

Modifications etc. (not altering text)

C5 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M11 [1963 c. 39](#).

8 After section 101(2) there shall be inserted the following subsection—

“(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C6 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 (1) In section 103(1), for the words “whether charged with an offence or not” there shall be substituted the words “charged with an offence”.

(2) After subsection (1), there shall be added the following subsection—

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“(1A) The court in making any inquiry in pursuance of the last foregoing subsection shall have regard to the application for the provisions of section 30(1) of the Social Work (Scotland) Act 1968 but an order of judgement of the court shall not be invalidated by any subsequent proof that the court was not informed that at the material time the person was subject to a supervision requirement or that his case had been referred to a children’s hearing under Part V of that Act.”

(3) After subsection (4), there shall be added the following subsection—

“(5) In subsections (1) and (2) of this section, references to a child or young person charged with an offence shall be construed as references to a child within the meaning of section 30(1) of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C7 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

10 In section 110(1), in the definition of “Child”, for the words “Part III” there shall be substituted the words “Parts III and IV” ; and for the definition of “Place of safety” there shall be substituted the following definition—

““Place of safety” has the same meaning as in the Social Work (Scotland) Act 1968 ;”

and after the definition of “Remand” there shall be inserted the following definition

““Residential establishment” has the same meaning as in the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C8 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

M12 National Health Service (Scotland) Act 1947

Marginal Citations

M12 1947 c. 27.

11 (1) In section 15(1), after paragraph (f) there shall be inserted the following paragraph—
“(g) the provision of any of the services which a local authority are required to provide under the Social Work (Scotland) Act 1968 ;”

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- (2) In subsection (4), after the words “education authorities” there shall be inserted the words “or any of the social work services which local authorities” ; and after the words “education authority” there shall be inserted the words “or local authority”.

Modifications etc. (not altering text)

- C9** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 12 In section 27, at the end there shall be added the following subsection—

“(4) On the coming into operation of section 1(4) of the Social Work (Scotland) Act 1968, a local health authority shall not perform any function under this section which may be performed by a local authority by virtue of that section.”

Modifications etc. (not altering text)

- C10** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 13 In section 63, after the words “foregoing section” there shall be inserted the words “or local authority within the meaning of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

- C11** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

M13 National Assistance Act 1948

Marginal Citations

- M13** 1948 c. 29.

- 14 In section 32(1), at the end there shall be inserted the words “, and in this subsection any reference to another local authority includes a reference to a local authority in Scotland” .

Modifications etc. (not altering text)

- C12** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced

Status: Point in time view as at 20/12/2001.

Changes to legislation: Social Work (Scotland) Act 1968 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F25 15

Textual Amendments

F25 Sch. 8 para. 15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.X.

16 In section 65, at the end, there shall be added the following paragraph—
“(f) any reference however expressed to accommodation provided under Part III thereof shall be construed as a reference to accommodation provided under Part IV of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C13 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

17 F26

Textual Amendments

F26 Sch. 8 para. 17 repealed by Child Care Act 1980 (c. 5, SIF 20), Sch. 6

18 F27

Textual Amendments

F27 Sch. 8 para. 18 repealed by Children and Young Persons Act 1969 (c. 54, SIF 20), ss. 72(4), 73(4)(d), Sch. 6

19 F28

Textual Amendments

F28 Sch. 8 para. 19 repealed by Child Care Act 1980 (c. 5, SIF 20), Sch. 6

M14 Nurseries and Child-Minders Regulation Act 1948

Marginal Citations

M14 1948 c. 53.

F29 20

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Textual Amendments

F29 Sch. 8 para. 20 repealed (E.W.S.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15, S.I. 1991/828, art. 3(2) and repealed (N.I.) (12.12.1996 for certain purposes and otherwise 1.4.1997) by virtue of 1995 c. 36, s. 105(4), Sch. 4 para. 15(28)(b); S.I. 1996/3201, art. 3(6)(7)

21 **F30**

Textual Amendments

F30 Sch. 8 para. 21 repealed by Children and Young Persons Act 1969 (c. 54, SIF 20), ss. 72(4), 73(4)(d), Sch. 6

22—31 **F31**

Textual Amendments

F31 Sch. 8 paras. 22–31 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

^{M15}Maintenance Orders Act 1950

Marginal Citations

M15 1950 c. 37.

32 In section 8(1), after the words “the Children Act 1948” there shall be inserted the words “or section 81 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C14 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

33 (1) In section 9, in subsection (1), after paragraph (a) there shall be inserted the following paragraph—

“(aa) for a contribution order under section 80 of the Social Work (Scotland) Act 1968 (enforcement of duty to make contributions by parents in respect of their children while in the care of a local authority under Part II of that Act or under a supervision requirement) ;”.

(2) In subsection (2) after the words “forty-three”, there shall be inserted the words “or said section 80”.

Modifications etc. (not altering text)

C15 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced

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in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 34 In section 16(2)(b), after sub-paragraph (v) there shall be inserted the following sub-paragraph—
 “(vi) a contribution order under section 80 of, or a decree or an order made under section 81 of, the Social Work (Scotland) Act 1968 ;”.

Modifications etc. (not altering text)

C16 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 35 F32

Textual Amendments

F32 Sch. 8 para. 35 repealed by Children and Young Persons Act 1969 (c. 54, SIF 20), ss. 72(4), 73(4)(d), Sch. 6

^{M16}Valuation and Rating (Scotland) Act 1956

Marginal Citations

M16 1956 c. 60.

- 36 F33

Textual Amendments

F33 Sch. 8 para. 36 repealed by Rating (Disabled Persons) Act 1978 (c. 40, SIF 103:1, 2), Sch. 2

^{M17}Adoption Act 1958

Marginal Citations

M17 1958 c. 5. (7 & 8 Eliz. 2.)

- 37 In section 4(3), paragraph (b) shall be omitted, and after paragraph (c) there shall be inserted the following paragraph—
 “(d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland).”

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Modifications etc. (not altering text)

C17 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 38 In section 15(4), for the words “(which provides” there shall be substituted the following words “or section 16 of the Social Work (Scotland) Act 1968 (which sections provide”.

Modifications etc. (not altering text)

C18 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 39 In section 36(2)(a), for the words “or section ninety” to “1937” there shall be substituted the words “or section 78 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C19 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 59A, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 40 In section 43(3), after the word “1948” there shall be inserted the words “or, as the case may be, section 15 of the Social Work (Scotland) Act 1968”, and for the words “that section” there shall be substituted the words “the said section 1 or, as the case may be, the said section 15”.

Modifications etc. (not altering text)

C20 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 41 In section 57, in the definition of “place of safety”, at the end there shall be inserted the following words “and in Scotland has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

Modifications etc. (not altering text)

C21 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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^{M18} *Matrimonial Proceedings (Children) Act 1958*

Marginal Citations

M18 1958 c. 40.

42 In section 10, for subsection (4) there shall be substituted the following subsection—

“(4) On the making of an order under this section committing the care of a child to a local authority, Part II of the Social Work (Scotland) Act 1968 (which relates to the treatment of children in care of local authorities) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section 15 of that Act, so however that—

- (a) the exercise by the local authority of their powers under or by virtue of sections 5, 20 to 22, 59 and 60 of that Act shall be subject to any directions given by the court ; and
- (b) section 23 of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.”

Modifications etc. (not altering text)

C22 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

43 (1) In section 11(1), for the words “for the purpose” to “section” there shall be inserted the words “, not being an officer of the local authority for the purpose, appoint an appropriate local authority”, and at the end of the subsection there shall be inserted the following subsection—

“(1A) In this section “local authority” has the same meaning as in the Social Work (Scotland) Act 1968.”

(2) In subsection (5), for the words “designated officer” there shall be substituted the words “local authority or other person appointed”.

Modifications etc. (not altering text)

C23 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

44—47. F34

Textual Amendments

F34 Sch. 8 paras. 44-47 repealed by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), s. 22, [Sch. 3](#)

Status: Point in time view as at 20/12/2001.

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48, 49. F35

Textual Amendments

F35 Sch. 8 paras. 48, 49 repealed by Mental Health Act 1983 (c. 20, SIF 85), Sch. 6

50 F36

Textual Amendments

F36 Sch. 8 para. 50 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), Sch. 5

51—59. F37

Textual Amendments

F37 Sch. 8 paras. 51–59 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127, Sch. 5

M¹⁹Health Visiting and Social Work (Training) Act 1962

Marginal Citations

M19 1962 c. 33.

60 In section 3(5), after “1948”, insert “or under any re-enactment of any of the provisions of the said Parts of the said Acts of 1947 and 1948 contained in Part II of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C24 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

61, 62. F38

Textual Amendments

F38 Sch. 8 paras. 61, 62 repealed by Education (Scotland) Act 1980 (c. 44, SIF 41:2), Sch. 5

63, 64. F39

Textual Amendments

F39 Sch. 8 paras. 63, 64 repealed by Education (Scotland) Act 1969 (c. 49), Sch. 2 Pt. II para. 8, Sch. 3

65—67. F40

Status: Point in time view as at 20/12/2001.

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Textual Amendments

F40 Sch. 8 paras. 65–67 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [Sch. 5](#)

M20 Children and Young Persons Act 1963

Marginal Citations

M20 1963 c. 37.

- 68 In section 55, the words from “section 88(5)” to “Scottish Act” shall be omitted and after “1948” there shall be inserted the words “or section 23 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C25 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

69—72. **F41**

Textual Amendments

F41 Sch. 8 paras. 69—72 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 10 Pt. I](#)

M21 Registration of Births, Deaths and Marriages (Scotland) Act 1965

Marginal Citations

M21 1965 c. 49.

- 73 (1) In section 15, in subsections (1) and (3), for the words “children’s officer” there shall be substituted the words “director of social work”.
- (2) In subsection (4), for the words “Children and Young Persons (Scotland) Act 1937” there shall be substituted the words “Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C26 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

74 **F42**

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Textual Amendments

F42 Sch. 8 para. 74 repealed by Child Benefit Act 1975 (c. 61, SIF 113:1), Sch. 5 Pt. I

SCHEDULE 9

Section 95(2).

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C27 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

REPEALS EXTENDING TO SCOTLAND ONLY

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	<p>In section 21(2), the words from “may take” to the end of the subsection.</p> <p>In section 42(1), the words “or is for any other reason brought before a court” and in subsection (2), the words “or taken to a place of safety” and the words “or the person by whom he is taken to the place of safety, as the case may be”.</p> <p>In section 47(1) the words “until he can be brought before a juvenile court”, wherever occurring.</p> <p>In section 49(1), the words “either as being in need of care or protection or”, the words “or otherwise”, and the words “and for securing that proper provision is made for his education and training”.</p> <p>Section 49(2).</p>

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		Section 51.
		Section 53(2) and (3).
		Section 59(1) and in subsection (4), the words “under this section, or”.
		Sections 60 and 61.
		In section 63(3) the words “under the Probation of Offenders Act 1907”.
		Sections 65 and 66.
		Sections 68 to 86.
		Sections 88 to 98.
		Section 101(5) and (6).
		Section 106.
		Section 107(1)(a), and (2).
		Section 109.
		In section 110(1)—
		the following definitions—
		“Approved school”;
		“Approved school order”;
		“Headmaster”; “In need of care or protection”;
		in the definition of “Justice” the words “(except in section 51 of this Act)”; and the definition of “managers”.
		In section 110, in subsection (3)(a)(ii) the words “and the juvenile court for any area” and subsection (3)(a)(iv).
		Section 111.
		Section 112.
		Schedule 2.
		Schedule 3.
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Section 21.
		Section 22(1).
		Sections 23 and 24.
		Section 26(1) and (5).

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		Section 27.
		Sections 29 and 30.
		Section 32.
		Sections 34 to 40.
		Section 50(3).
		Section 58(1) and (4).
11 & 12 Geo. 6. c. 43.	The Children Act 1948.	The whole Act.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	Section 2(3) and (9).
		Section 4(2) and (3).
		Section 5(3).
		In section 7, in subsection (2), the words from “to omit” to “and”, and in subsection (4), the words to “to (3)”.
		Sections 11 to 13.
		In section 28, subsection (2), and in subsection (3), the words “a remand home or” and the words “home or”.
		Sections 50 and 51.
		Sections 69 to 73.
		In section 75, subsections (1) (a), (3)(a) to (d) and (4) to (6).
		In section 78, in subsection (1)— in the definition of “appropriate court” the words “or supervision”; and the words “or person under supervision”;
		and the following definitions — “Approved probation hostel” and “Approved probation home”; “approved school”; “Remand home”; “Salaried probation officer”;
		in the definition of “sentence”, the words from “an order for custody” to the end of the definition;

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		the following definitions— “Supervision Order”; “Voluntary probation officer”; “Whole-time probation officer”; and “Young Person”.
		Schedule 1.
		In Schedule 2, in paragraph 2, in sub-paragraph (3), the words “appointed by the appropriate court,” in sub-paragraph (4)(b), the words “named therein”, in paragraph 3(b) the words “an approved probation hostel or home or in” and the word “other” and paragraph 7.
		Schedule 3.
14 Geo. 6. c. 37.	The Maintenance Orders Act 1950.	Schedule 1, so far as relating to the modification of the Children and Young Persons (Scotland) Act 1937.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	Section 18(1) to (3A). In section 32, in subsection (3), the words “who is not less than seventeen years of age”, and subsection (4).
4 & 5 Eliz. 2. c. 24.	The Children and Young Persons Act 1956.	The whole Act.
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956.	In section 11(2) and (3). In section 1(1)(d), the words from “or” to “1949”.
6 & 7 Eliz. 2. c. 40.	The Matrimonial Proceedings (Children) Act 1958.	Section 11(2) and (3). In section 12(1), the words “of a probation officer or”, and section 12(3).
6 & 7 Eliz. 2. c. 65.	The Children Act 1958.	Section 1.

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		Section 2(6) and (7).
7 & 8 Eliz. 2. c. 5.	The Adoption Act 1958.	Section 4(3)(b). In section 11(1), the words “or juvenile court”. In section 15(3), the words from “or the Children” to “1937”. In section 37(3), the words “in an approved school or”.
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In sections 8 and 9. In section 10, in subsection (1), in paragraph (a), head (i), and at the end of head (ii) the word “or”. Section 12(2), sections 19 to 21 and section 46(a). In section 55(10), the words from “including” to the word “school”. In section 57, in subsection (3)(b), the words “or young person”; and subsection (5). Section 69(1)(b). Section 71. In section 72, the definitions of “approved school” and “remand home” and in the definition of “place of safety” the words “or young person” first occurring. In section 111(1), the definition of “residential home for persons suffering from mental disorder;”.
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	Section 36(4) and (5). Section 44(3) and (4). Section 80(1)(e). In section 104 the words “(including an approved school)”.

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1963 c. 37.	The Children and Young Persons Act 1963.	Section 1. Sections 45 to 52. Section 58.
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In section 11, in subsection (2), the words from “if the offender” to the words “detention centre”, and subsections (3) and (5). Section 15. Part II. Schedule 2.
1968 c. 46.	The Health Services and Public Health Act 1968.	Section 13. Section 44. Section 45.

PART II

REPEALS EXTENDING TO ENGLAND AND WALES

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	In section 78(2) and (4), the words from “(including” to “1937”. In section 82(1), the words from “or” to “1937”, and in the proviso, the words from “or where” to “Wales”. In section 83(1), (2) and (4), the words “Scotland or” wherever occurring, and in subsection (5) the words from “in relation to Scotland” to “Department, and”. In section 85(1) and (2), the words “or under the Children and Young Persons (Scotland) Act 1937”. In Schedule 4, in paragraph 9, in sub-paragraph (1), the words from “or with the consent” to “to that Act”, paragraph 9(3), and in

Status: Point in time view as at 20/12/2001.

Changes to legislation: Social Work (Scotland) Act 1968 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		paragraph 13, the words “or of the Children and Young Persons (Scotland) Act 1937” in both places where they occur.
6 & 7 Eliz. 2. c. 65.	The Children Act 1958.	In section 2(4), the words from “or of” to “1937”. In section 17, in the definition of “fit person order”, the words “or” to “1937”.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 10(1), in subparagraph (a), head (ii). In section 50, subparagraph (b).
1963 c. 37.	The Children and Young Persons Act 1963.	In section 12, the words “Scotland or”. In section 45(1), the words “the Children and Young Persons (Scotland) Acts 1937 and 1956”. Sections 51 and 52. Section 53(1)(b).
1965 c. 53.	The Family Allowances Act 1965.	In section 11, subsection (1)(a)(ii), in subsection (1)(c), the words “or an order under section 73(2) of the said Act of 1937”, and in subsection (2), the words “or the said Act of 1937”.

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