

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

PART II

AMENDMENTS EXTENDING ONLY TO SCOTLAND

Children Act 1958 (6 & 7 Eliz. 2 c. 65)

- 25 In section 2(4A) of the Children Act 1958, after the words " Children Act 1975 " there are inserted the words " or in Part I of the Adoption Act 1976 ".
- 26 In section 6(1) of the said Act of 1958, in paragraph (f), after the words " section 43 of the Adoption Act 1958 " there are added the words " or section 34 of the Adoption Act 1976 ".

Adoption Act 1958 (7 & 8 Eliz. 2 c. 5)

- 27 In section 22(4A) of the Adoption Act 1958, in paragraph (b) after the word " 1975 " there are inserted the words " or under section 3 of the Adoption Act 1976 ".
- 28 In section 29(2) of the said Act of 1958 after the word " 1975 " there are inserted the words " or the Adoption Act 1976 ".
- 29 In section 34 of the said Act of 1958 the following subsections are added after subsection (3)—
- “(4) This section, except subsection (3), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (5) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 27 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 30 In section 34A of the said Act of 1958 the following subsections are inserted after subsection (6)—
- “(6A) This section, except subsection (6), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (6B) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 28 of the Adoption Act 1976, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.”
- 31 In section 37 of the said Act of 1958, the following subsection is inserted after subsection (1)—

Status: This is the original version (as it was originally enacted).

“(2) A child shall be deemed to be a protected child within the meaning of this Part of this Act if he is a protected child within the meaning of section 32(1) of the Adoption Act 1976.”

32 In section 52(1) of the said Act of 1958, after the word " 1975 " there are inserted the words " or section 55 of the Adoption Act 1976 ".

33 In section 57 of the said Act of 1958 the following subsection is inserted after subsection (1)—

“(1A) In sections 22, 29, 34 to 37 and 40(4) of this Act—

- (a) " adoption agency " includes an adoption agency within the meaning of section 1 of the Adoption Act 1976,
- (b) except in sections 34 and 34A " adoption order " includes an order under section 12 of the Adoption Act 1976,
- (c) " local authority " includes the council of a county (other than a metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London.”

Social Work (Scotland) Act 1968 (c. 49)

34 In section 16(3) and (11)(b) of the Social Work (Scotland) Act 1968, after the words " Children Act 1975 " there are added the words " or under section 18 or 55 of the Adoption Act 1976 " .

Adoption Act 1968 (c. 53)

35 In section 6 of the Adoption Act 1968 the following subsection is inserted after subsection (4)—

“(4A) Any order or decision of the High Court on an application under subsection (2) of section 53 of the Adoption Act 1976 shall be recognised and have effect as if it were an order or decision of the Court of Session on an application under subsection (3) of this section.”

36 In section 11(1) of the said Act of 1968, in the definition of " the court ", the words " the High Court or " shall cease to have effect.

Children Act 1975 (c. 72)

37 In section 8(3) of the Children Act 1975, for the words " the order " in the first place where they occur there are substituted the words " the adoption order ".

38 In section 12(1) of the said Act of 1975, after paragraph (a) there is inserted the following paragraph—

“(aa) he is the subject of an order under section 18 of the Adoption Act 1976 ; or”

39 In section 16(3)(c) after the words " section 8(3)(b) " there are inserted the words " or section 12(3)(b) of the Adoption Act 1976 " .

40 In section 23 of the said Act of 1975, after the words " this section " there are inserted the words " or under Part II of the Adoption Act 1976 ".

41 In section 25(4) of the said Act of 1975 after the words " this section " there are inserted the words " or under section 55 of the Adoption Act 1976 ".

Status: This is the original version (as it was originally enacted).

- 42 In section 100(9)(a)(ii) after the words " section 14 " there are added the words "
or under section 18 of the Adoption Act 1976 ".
- 43 In section 107 of the said Act of 1975—
- (a) in subsection (1), in the definition of " British Adoption Order " after the words " an adoption order " there are inserted the words " an order under section 12 of the Adoption Act 1976 " ; and
 - (b) the following subsection is inserted after subsection (2)—
“(2A) In this Act—
 - (a) in sections 9, 14 to 16, 18, 22 and 23, " adoption agency " includes an adoption agency within the meaning of section 1 of the Adoption Act 1976 (adoption agencies in England and Wales);
 - (b) in sections 8(3) and (4), 14 to 16, 23 and 100(9), " adoption order " includes an order under section 12 of the Adoption Act 1976 (adoption orders in England and Wales);
 - (c) in sections 9 and 18, " local authority " includes the council of a county (other than metropolitan county), a metropolitan district, a London borough or the Common Council of the City of London;
 - (d) in section 14(6) the reference to an order under that section shall be construed as including an order under section 18 of the Adoption Act 1976”.
- 44 In paragraph 7 of Schedule 2 to the said Act of 1975, in sub-paragraph (c), after the word " in " there are inserted the words " England, Wales, ".