

## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Children Act 1975 (c. 72)*

- 26 (1) The Children Act 1975 shall be amended in accordance with this paragraph.
- (2) Sections 47 to 49 shall cease to have effect.
- (3) In section 50 (payments towards maintenance for children), for the words from “custody” to “authority” substitute “a child under the age of sixteen is residing with and being cared for (other than as a foster child) by a person other than a parent of the child, a council constituted under section 2 of the Local Government (Scotland) Act 1994”.
- (4) In section 51 (restriction on removal of child where applicant has provided home for three years)—
- (a) in subsection (1), for the words “custody of” substitute “a residence order in relation to”;
- (b) for subsection (2) substitute—
- “(2) In any case where subsection (1) applies, and the child—
- (a) was being looked after by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 before he began to have his home with the applicant, and
- (b) continues to be looked after by such a council,
- the council by whom the child is being looked after shall not remove him from the applicant’s care and possession except—
- (i) with the applicant’s consent;
- (ii) with the leave of the court; or
- (iii) in accordance with an order made, or authority or warrant granted, under Chapter 2 or 3 of Part II of the Children (Scotland) Act 1995.”; and
- (c) at the end add—
- “(5) In this section “looked after” and “residence order” have the meanings given respectively by section 17(6) and section 11(2)(c) of the Children (Scotland) Act 1995; and “residence order” shall have the same meaning in sections 52 and 53 of this Act.”.
- (5) In section 52 (return of child taken away in breach of section 51), for the words “custody of” substitute “a residence order in relation to”.
- (6) Section 53 (custody order on application for adoption in Scotland) shall cease to have effect.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In section 55 (interpretation and extent), for the words “sections 47 to 54”, in both places where they occur, substitute “sections 50 to 53”.
- (8) Sections 73 to 84, 89, 99, 100, 102 and 103 shall cease to have effect.
- (9) Section 107 (interpretation), except in so far as subsection (1) defines “adoption society”, “child” and “voluntary organisation”, shall cease to have effect.
- (10) In Schedule 3 (minor and consequential amendments), paragraph 52 to 57 shall cease to have effect.