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**Changes to legislation:** Social Work (Scotland) Act 1968, SCHEDULE 7 is up to date with all changes known to be in force on or before 03 June 2023. 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) View outstanding changes

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## SCHEDULES

### 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- (a) a registration in respect of any establishment under any enactment repealed by this Act shall for the purposes of this Act be deemed to be a registration kept by a local authority under [F1section 62] thereof, and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.
- (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**

**F1** 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—

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- (a) the <sup>M1</sup>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 <sup>M2</sup>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**

- M1** 1937 c. 37.  
**M2** 1963 c. 39.

*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 <sup>M3</sup>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**

- M3** 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.

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- (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 <sup>M4</sup>Children and Young Persons (Scotland) Act 1937, the provisions of the foregoing sub-paragraph 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.

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#### **Marginal Citations**

**M4** 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 <sup>[F2]Principal Reporter</sup> 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 <sup>[F2]Principal Reporter</sup> of the local authority in whose area the circumstances arose which brought his case before the court.

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#### **Textual Amendments**

**F2** 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)

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### *Remand Home Grant*

- 7 Until such time as the Secretary of State may direct, section 107(a)(iii) of the <sup>M5</sup>Children and Young Persons (Scotland) Act 1937 shall continue to have effect.

#### **Marginal Citations**

**M5** 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 <sup>M6</sup>Criminal Justice (Scotland) Act 1949 shall continue to have effect.

#### **Marginal Citations**

**M6** 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 <sup>M7</sup>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.
- “remand home” has the meaning assigned to it by section 78(1) of the <sup>M8</sup>Criminal Justice (Scotland) Act 1949.
- “supervision order” has the meaning assigned to it by section 72 of the said Act of 1949.

#### **Marginal Citations**

**M7** 1937 c. 37.

**M8** 1949 c. 94.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to legislation.gov.uk. S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)