
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 643 (C.33)

CHILDREN AND YOUNG PERSONS

**The Adoption and Children Act 2002
(Commencement No. 1) (Scotland) Order 2005**

Made - - - - 14th December 2005

The Scottish Ministers, in exercise of the powers conferred on them by section 148(5) of the Adoption and Children Act 2002⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Adoption and Children Act 2002 (Commencement No. 1) (Scotland) Order 2005.

(2) In this Order, “the Act” means the Adoption and Children Act 2002.

(3) This Order extends to Scotland only.

Appointed day for commencement of provisions

2. The appointed day for the coming into force of the following provisions of the Act is 30th December 2005—

- (a) section 41(5) to (9), so far as relating to Scotland;
- (b) section 132;
- (c) paragraphs 21 to 35 and 82 to 84 of Schedule 3;
- (d) paragraph 23 of Schedule 4;
- (e) the entries in Schedule 5, so far as relating to the provisions mentioned in paragraph (c);
- (f) section 139, so far as relating to the provisions mentioned in the preceding paragraphs.

St Andrew’s House, Edinburgh
14th December 2005

ROBERT E BROWN
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force specified provisions in the Adoption and Children Act 2002 (“the 2002 Act”).

The 2002 Act largely extends to England and Wales only. By virtue of section 148(5) of the 2002 Act certain provisions, which are largely concerned with amendment of the Adoption (Scotland) Act 1978(2) to take account of the 2002 Act, are however to come into force on such day as the Scottish Ministers by order appoint.

This Order commences the provisions detailed, at 30th December 2005, enabling specified orders and associated provisions made under the 2002 Act, in relation to England and Wales, and which are also being commenced on 30th December 2005, to be recognised in Scotland, so that cross-border placements for adoption between England and Wales, and Scotland, continue as at present.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2002 Act have been or will be brought into force by commencement order made before the date of this Order. They are set out here for completeness. Sections 123 and 124 of the 2002 Act, which are included in the provisions brought into force by S.I.2005/2213 (C.92), are being brought into force after consultation with the Scottish Ministers.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
[1]*Section 1	30th December 2005	2005/2213 (C.92)
Section 2(1) to (5), (7) and (8)	7th December 2004	2004/3203 (C.139)
Section 2(6) in relation to England	7th December 2004	2004/3203 (C.139)
Section 2(6), (7) and (8) partially, in relation to England	6th October 2003	2003/366 (C.24)
Section 2(6) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 2(7) and (8) partially, in relation to Wales	28th November 2003	2003/3079 (C.117)
*Section 3(1), (2), (5) and (6)	30th December 2005	2005/2213 (C.92)
Section 3(3) and (4) partially, in relation to England	7th December 2004	2004/3203 (C.139)

[1] On the date this Commencement Order is made the commencement date of provisions marked * has not been reached. The other provisions noted have been commenced fully but for the sake of completeness the commencement dates have been set out.

(2) [1978 c. 28.](#)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3(3) and (4) in relation to Wales	6th June 2005	2005/1206 (W.78)(C.54)
*Section 3(3) and (4) in relation to England	30th December 2005	2005/2213 (C.92)
*Section 4(1)(a) in relation to England	30th December 2005	2005/2213 (C.92)
Section 4(1)(b) and (5) partially in relation to Wales	7th February 2004	2004/252 (W.27)(C.9)
Section 4(1)(b) and (5) partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 4(1)(b) and (5) in relation to England	30th December 2005	2005/2213 (C.92)
*Section 4(2) to (4) in relation to England	30th December 2005	2005/2213 (C.92)
Section 4(6) and (7)(b) to (i) partially, in relation to England	10th March 2003	2003/366 (C.24)
Section 4(6) and (7)(b) to (i) partially, in relation to England	6th October 2003	2003/366 (C.24)
Section 4(6) and (7)(b) to (i) in relation to England	7th December 2004	2004/3203 (C.139)
*Section 4(7)(a) in relation to England	7th December 2004	2003/3203 (C.139)
Section 4(6) and (7) in relation to Wales	7th February 2004	2004/252 (W.27)(C.9)
*Section 4(8) to (11) in relation to England	30th December 2005	2005/2213 (C.92)
*Section 4, in relation to Wales, so far as not already in force	30th December 2005	2005/3112 (W.134)(C.232)
*Section 6 in relation to England	30th December 2005	2005/2213(C.92)
*Section 7 in relation to England	30th December 2005	2005/2213 (C.92)
Section 8 partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 8 in relation to England	30th December 2005	2005/2213 (C.92)
*Sections 6 to 8 in relation to Wales	30th December 2005	2005/3112 (W.134)(C.232)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 9 in relation to England	7th December 2004	2004/3203 (C.139)
Section 10 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 10 in relation to England	7th December 2004	2004/3203 (C.139)
Section 11 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 11 in relation to England	7th December 2004	2004/3203 (C.139)
Section 12(1) to (3) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 12(1) to (3) partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 12 in relation to England	30th December 2005	2005/2213 (C.92)
*Section 12, in relation to Wales, so far as not already in force	30th December 2005	2005/3112 (W.134)(C.232)
*Sections 13 to 15 in relation to England	30th December 2005	2005/2213 (C.92)
*Sections 13 to 15, in relation to Wales	30th December 2005	2005/3112 (W.134)(C.232)
Section 16 in relation to Wales	1st February 2003	2003/181 (W.31) (C.9)
Section 16 partially, in relation to England	25th February 2003	2003/366 (C. 24)
Section 16 partially, in relation to England	30th April 2003	2003/366 (C. 24)
*Section 16 in relation to England	30th December 2005	2005/2213 (C. 92)
*Section 18 to 26	30th December 2005	2005/2213 (C.92)
*Section 27(1), (2), (4) and (5)	30th December 2005	2005/2213 (C.9)
Section 27(3) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 27(3) in relation to England	7th December 2004	2004/3203 (C.139)
*Sections 28 to 43	30th December 2005	2005/2213 (C.92)
Section 44 partially	7th December 2004	2004/3203 (C.139)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
*Section 44	30th December 2005	2005/2213 (C.92)
Section 45	7th December 2004	2004/3203 (C.139)
*Sections 46 to 52	30th December 2005	2005/2213 (C.92)
Section 53(1) to (3) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 53(1) to (3) in relation to England	7th December 2004	2004/3203 (C.139)
*Section 53(4) to (6)	30th December 2005	2005/2213 (C.92)
Section 54 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 54 in relation to England	7th December 2004	2004/3203 (C.139)
*Section 55	30 December 2005	2005/2213 (C.92)
Section 56(1) and (3) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 56 partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 56 in relation to England	30th December 2005	2005/2213 (C.92)
Section 57 partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 57 in relation to England	30th December 2005	2005/2213 (C.92)
Section 57(5) partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 57(6) in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 58 partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 58 in relation to England	30th December 2005	2005/2213 (C.92)
Section 58(2) and (3) partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
*Sections 56 to 58, in relation to Wales, so far as not already in force	30th December 2005	2005/3112 (W.134)(C.232)
Section 59 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 59 partially, in relation to England	7th December 2004	2004/3203 (C.139)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
*Section 59 in relation to England	30th December 2005	2005/2213 (C.92)
*Section 60(1), (3) and (5) in relation to England	30th December 2005	2005/2213 (C.92)
Section 60(2) and (4) partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 60(2) and (4) partially, in relation England	7th December 2004	2004/3203 (C.139)
*Section 60(2) and (4) in relation to England	30th December 2005	2005/2213 (C.92)
*Section 61(1) to (4) and (6) in relation to England	30th December 2005	2005/2213 (C.92)
Section 61(5) partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 61(5) in relation to England	30th December 2005	2005/2213 (C.92)
Section 61(5)(c) partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
*Section 62(1) to (6) and (8) in relation to England	30th December 2005	2005/2213 (C.92)
Section 62(7) partially, in relation to England	7th December 2004	2004/3203 (C.139)
*Section 62(7) in relation to England	30th December 2005	2005/2213 (C.92)
Section 62(7)(c) partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
*Sections 60 to 62, in relation to England and Wales, so far as not already in force	30th December 2005	2005/3112 (W.134)(C.232)
Section 63 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 63 in relation to England and as respect subsections (2) to (5) in relation to Scotland and Northern Ireland	7th December 2004	2004/3203 (C.139)
Section 64 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 64 in relation to England	7th December 2004	2004/3203 (C.139)
Section 65 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 65 in relation to England and as respect subsections (2)(a) and (3) in relation to Scotland and (2)(b) and (3) in relation to Northern Ireland	7th December 2004	2004/3203 (C.139)
*Sections 66 to 76	30th December 2005	2005/2213 (C.92)
*Section 77(1), (2) and (4) to (6)	30th December 2005	2005/2213 (C.92)
Section 77(3) partially	7th December 2004	2004/3203 (C.139)
*Section 77(3)	30th December 2005	2005/2213 (C.92)
*Section 78(1), (2) and (4)	30th December 2005	2005/2213(C.92)
Section 78(3) partially	7th December 2004	2004/3203 (C.139)
*Section 78(3)	30th December 2005	2005/2213 (C.92)
Section 79(5) and (7) to (9) partially	7th December 2004	2004/3203 (C.139)
*Section 80(1),(3) and (5)	30th December 2005	2005/2213 (C.92)
Section 80(2), (4) and (6) partially	7th December 2004	2004/3203 (C.139)
*Section 80(2), (4) and (6)	30th December 2005	2005/2213 (C.92)
*Section 81(1) to (3)	30th December 2005	2005/2213 (C.92)
Section 81(4)	7th December 2004	2004/3203 (C.139)
*Section 82	30th December 2005	2005/2213 (C.92)
Section 83(1) to (7) and (9) partially	7th December 2004	2004/3203 (C.139)
*Section 83(1) to (7) and (9)	30th December 2005	2005/2213 (C.92)
*Section 83(8)	30th December 2005	2005/2213 (C.92)
Section 84 partially	7th December 2004	2004/3203 (C.139)
*Section 84	30th December 2005	2005/2213 (C.92)
*Section 85	30th December 2005	2005/2213 (C.92)
Section 86 partially	7th December 2004	2004/3203 (C.139)
*Section 86	30th December 2005	2005/2213 (C.92)
Section 87(1)(a), (2), (5) and (6) partially	7th December 2004	2004/3203 (C.139)
*Section 87(1)(a), (2), (5) and (6)	30th December 2005	2005/2213 (C.92)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 87(1)(b) and (4)	1st June 2003	2003/366 (C.24)
*Section 87(3)	30th December 2005	2005/2213 (C.92)
*Sections 88 to 91	30th December 2005	2005/2213 (C.92)
Section 92 partially	7th December 2004	2004/3203 (C.139)
*Section 92	30th December 2005	2005/2213 (C.92)
*Section 93	30th December 2005	2005/2213 (C.92)
Section 94(1) partially	7th December 2004	2004/3203 (C.139)
*Section 94(1)	30th December 2005	2005/2213 (C.92)
*Section 94(2) to (5)	30th December 2005	2005/2213 (C.92)
*Sections 95, 96 and 97	30th December 2005	2005/2213 (C.92)
Section 98 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Section 98 in relation to England	7th December 2004	2004/3203 (C.139)
*Sections 99 to 107	30th December 2005	2005/2213 (C.92)
Section 108	7th December 2004	2004/3203 (C.139)
*Sections 109 and 110	30th December 2005	2005/ 2213(C.92)
Section 111	1st December 2003	2003/3079 (C.117)
*Sections 112 to 115	30th December 2005	2005/2213 (C.92)
Section 117 partially	7th December 2004	2004/3203 (C.139)
*Section 117	30th December 2005	2005/2213 (C.92)
Section 118	21st May 2004	2004/1403 (C.56)
Section 119	1st April 2004	2003/3079 (C.117)
Section 120	31st January 2005	2004/3203 (C.139)
Section 121 partially	7th December 2004	2004/3203 (C.139)
*Section 121	30th December 2005	2005/2213 (C.92)
*Section 122(1)(a)	30th December 2005	2005/2213 (C.92)
Section 122(1)(b) and (2)	7th December 2004	2004/3203 (C.139)
*Sections 123 and 124 in relation to England, Wales, Scotland and Northern Ireland	30th December 2005	2005/2213 (C.92)
Section 135	1st June 2003	2003/366 (C.24)
*Section 137	30th December 2005	2005/2213 (C.92)
*Section 138 in relation to England, Wales and Scotland	30th December 2005	2005/2213 (C.92)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 139(1) partially, in relation to Northern Ireland	3rd February 2003	2003/288 (C.14)
Partially, in relation England	25th February 2003	2003/366 (C.24)
Partially, in relation England	30th April 2003	2003/366 (C.24)
Partially, in relation to Wales	28th November 2003	2003/3079 (C.117)
Partially	1st December 2003	2003/3079 (C.117)
Partially	7th December 2004	2004/3203 (C.139)
*Partially	30th December 2005	2005/2213 (C.139)
*Partially, in relation to Wales	30th December 2005	2005/3112 (W.134) (C.232)
Section 139(2) partially	3rd February 2003	2003/288 (C.14)
Partially	25th February 2003	2003/366 (C.24)
Partially, in relation to England	10th March 2003	2003/366 (C.24)
Partially	1st April 2003	2003/366 (C.24)
Partially	1st June 2003	2003/366 (C.24)
Partially, in relation to England	6th October 2003	2003/366 (C.24)
Partially, in relation to England	1st December 2003	2003/3079 (C.117)
Partially, in relation to England	1st April 2004	2004/3079 (C.117)
Partially, in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Partially	15th October 2005	2005/2897 (C.123)
Section 139(3) partially	28th November 2003	2003/3079 (C.117)
*Partially	30th December 2005	2005/2213 (C.92)
Partially	15th October 2005	2005/2897 (C.123)
*Partially, in relation to England	30th December 2005	2005/2213 (C.92)
Schedule 1		
Paragraphs 1 and 3 partially	7th December 2004	2004/3203 (C.139)
*Paragraphs 1 and 3	30th December 2005	2005/2213 (C.92)
*Paragraphs 2 and 4 to 6	30th December 2005	2005/2213 (C.92)
Schedule 2		
Paragraph 1 partially	7th December 2004	2004/3203 (C.139)
*Paragraph 1	30th December 2005	2005/2213 (C.92)
*Paragraphs 2 to 4	30th December 2005	2005/2213 (C.92)
Schedule 3		

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*Paragraphs 1 to 5	30 December 2005	2005/2213(C.92)
Paragraphs 6 and 7	1st December 2003	2003/3079 (C.117)
*Paragraphs 9 to 12	30th December 2005	2005/2213 (C.92)
*Paragraph 13 in relation to England	30th December 2005	2005/2213 (C.92)
*Paragraphs 14 to 20	30th December 2005	2005/2213 (C.92)
*Paragraphs 36 to 43	30th December 2005	2005/2213 (C.92)
*Paragraphs 45 to 52	30th December 2005	2005/2213 (C.92)
Paragraphs 53	3rd February 2003	2003/288 (C.14)
*Paragraphs 54 to 59	30th December 2005	2005/2213 (C.92)
Paragraph 60 partially	7th December 2004	2004/3203 (C.139)
*Paragraph 60	30th December 2005	2005/2213 (C.92)
*Paragraphs 61 to 64	30th December 2005	2005/2213 (C.92)
*Paragraph 65 in relation to England	30th December 2005	2005/2213 (C.92)
*Paragraphs 67 to 81	30th December 2005	2005/2213 (C.92)
*Paragraphs 85 to 93	30th December 2005	2005/2213 (C.92)
*Paragraphs 95 to 99	30th December 2005	2005/2213 (C.92)
*Paragraphs 101 and 102	30th December 2005	2005/2213 (C.92)
Paragraph 103 partially, in relation to England	25th February 2003	2003/366 (C.24)
Paragraph 103 partially, in relation to England	30th April 2003	2003/366 (C.24)
Paragraph 103 in relation to Wales	28th November 2003	2003/3079 (C.117)
*Paragraph 103 in relation to England	30th December 2005	2005/2213 (C.92)
*Paragraph 104	30th December 2005	2005/2213 (C.92)
Paragraph 105 in relation to England	30th April 2003	2003/366 (C.24)
Paragraph 105 in relation to Wales	28th November 2003	2003/3079 (C.117)
Paragraph 106 in relation to England	30th April 2003	2003/366 (C.24)
Paragraph 106 in relation to Wales	28th November 2003	2003/3079 (C.117)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
*Paragraphs 107 to 109	30th December 2005	2005/2213 (C.92)
Paragraph 110 partially, in relation to England	30th April 2003	2003/366 (C.24)
Paragraph 110 partially, in relation to Wales	28th November 2003	2003/3079 (C.117)
*Paragraph 110	30th December 2005	2005/2213 (C.92)
*Paragraphs 111 to 113 in relation to England	30th December 2005	2005/2213 (C.92)
*Paragraphs 13, 65 and 111 to 113, in relation to Wales	30th December 2005	2005/3112 (W.134)(C.232)
*Paragraphs 114 to 117	30th December 2005	2005/2213 (C.92)
Paragraph 118	28th November 2003	2003/3079 (C.117)
Schedule 4		
Paragraphs 1, 2, 6 to 8 and 17 to 22	15th October 2005	2005/2897 (C.123)
Paragraph 3 in relation to England	6th October 2003	2003/366 (C.24)
Paragraph 3 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Paragraph 4(1)	3rd February 2003	2003/288 (C.14)
Paragraph 4(2)	25th February 2003	2003/366 (C.24)
Paragraph 5 in relation to England	1st April 2004	2003/3079 (C.117)
Paragraph 5 in relation to Wales	7th February 2004	2004/252 (W.27) (C.9)
Paragraph 10	1st June 2003	2003/366 (C.24)
Paragraph 11 partially	1st June 2003	2003/366 (C.24)
Paragraph 12 partially	1st April 2003	2003/366 (C.24)
Paragraph 12 partially	1st June 2003	2003/366 (C.24)
Paragraph 13	1st June 2003	2003/366 (C.24)
Paragraph 14	1st June 2003	2003/366 (C.24)
Schedule 5		
Partially	1st June 2003	2003/366 (C.24)
Partially	28th November 2003	2003/3079 (C.117)
Partially	15th October 2005	2005/2897 (C.123)

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