

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1

STATUS CONFERRED BY ADOPTION OR LEGITIMATION IN ENGLAND AND WALES

Textual Amendments

F1 Sch. 1 repealed (E.W.) by Adoption Act 1976 (c.36, SIF 49:11). s. 74(2), Sch 4

[^{F2}PART I

INTERPRETATION]]

Textual Amendments

F2 Sch. 1 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11) s. 74(2), Sch. 4

- [^{F3}1 (1) This Part applies for the construction of this Schedule, except where the context otherwise requires.
- (2) “Adoption” means adoption—
- (a) by an adoption order as defined in section 107,
 - (b) by an adoption order made under the 1958 Act or the ^{M1}Adoption Act 1950 or any enactment repealed by the Adoption Act 1950
 - (c) by an order made in Northern Ireland, the Isle of Man or in any of the Channel Islands,
 - (d) which is an overseas adoption as defined by section 4(3) of the ^{M2}Adoption Act 1968, or
 - (e) which is an adoption recognised by the law of England and Wales, and effected under the law of any other country.
- and cognate expressions shall be construed accordingly.
- (3) ^{F4}
- (4) [^{F5}This definition of adoption includes], where the context admits, [^{F5}an adoption effected] before the passing of this Act, and the date of an adoption effected by an order is the date of the making of the order.
- (5) “Existing”, in relation to any enactment or other instrument, means one passed or made before 1st January 1976 (and whether or not before the passing of this Act).
- (6) The death of the testator is the date at which a will or codicil is to be regarded as made.]

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Textual Amendments

- F3** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4
F4 Sch. 1 paras. 1(3), 12, 13, 14(2) repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), [Sch. 2](#)
F5 Words substituted by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), [Sch. 1 para. 7](#)

Marginal Citations

- M1** 1950 c. 26.
M2 1968 c. 53(49:11).

Dispositions of property

- [^{F6}2 (1) In this Schedule—
 “disposition” includes the conferring of a power of appointment and any other disposition of an interest in or right over property;
 “power of appointment” includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration.
- (2) This Schedule applies to an oral disposition of property as if contained in an instrument made when the disposition was made.]

Textual Amendments

- F6** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

[^{F7}PART II

ADOPTION ORDERS]

Textual Amendments

- F7** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Status conferred by adaption

- [^{F8}3 (1) An adopted child shall be treated in law—
 (a) where the adopters are a married couple, as if he had been born as a child of the marriage (whether or not he was in fact born after the marriage was solemnized);
 (b) in any other case, as if he had been born to the adopter in wedlock (but not as a child of any actual marriage of the adopter).
- (2) An adopted child shall be treated in law as if he were not the child of any person other than the adopters or adopter.
- (3) It is hereby declared that this paragraph prevents an adopted child from being illegitimate.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- (4) This paragraph has effect—
- (a) in the case of an adoption before 1st January 1976, from that date, and
 - (b) in the case of any other adoption, from the date of the adoption.
- (5) Subject to the provisions of this Part, this paragraph applies for the construction of enactments or instruments passed or made before the adoption or later, and so applies subject to any contrary indication.
- (6) Subject to the provisions of this Part, the paragraph has effect as respects things done, or events occurring, after the adoption, or after 31st December 1975, whichever is the later.]

Textual Amendments

F8 Sch. 1 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11) s. 74(2), Sch. 4

Modifications etc. (not altering text)

C1 Sch. 1 para. 3 restricted by Legitimacy Act 1976 (c. 31, SIF 49:7), s. 4 and excluded by S.I. 1975/515 reg. 2 (as substituted by S.I. 1985/1327 reg. 2)

C2 Sch. 1 para. 3(2) excluded by Legitimacy Act 1976 (c. 31, SIF 49:7), s. 4

Vocabulary

- [^{F9}4 A relationship existing by virtue of paragraph 3 may be referred to as an adoptive relationship, and—
- (a) a male adopter may be referred to as the adoptive father;
 - (b) a female adopter may be referred to as the adoptive mother;
 - (c) any other relative of any degree under an adoptive relationship may be referred to as an adoptive relative of that degree,
- but this paragraph does not prevent the term “parent”, or any other term not qualified by the word “adoptive”, being treated as including an adoptive relative.]

Textual Amendments

F9 Sch. 1 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11) s. 74(2), Sch. 4

Instruments and enactments concerning property

- [^{F10}5 (1) Paragraph 3—
- (a) does not apply to an existing instrument or enactment so far as it contains a disposition of property, and
 - (b) does not apply to any public general Act in its application to any disposition of property in an existing instrument or enactment.
- (2) The repeal by this Act of sections 16 and 17 of the ^{M3}1958 Act, and of provisions containing references to those sections, does not affect their application in relation to a disposition of property effected by an existing instrument.
- (3) For the purposes of this paragraph, and of paragraph 6, provisions of the law of intestate succession applicable to the estate of a deceased person shall be treated as

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

if contained in an instrument executed by him (while of full capacity) immediately before his death.]

Textual Amendments

F10 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Marginal Citations

M3 [1958 c. 5 \(7 & 8 Eliz. 2\)\(49:11\)](#).

- [^{F116} (1) Subject to any contrary indication, the rules of construction contained in this paragraph apply to any instrument, other than an existing instrument, so far as it contains a disposition of property.
- (2) In applying paragraph 3(1) to a disposition which depends on the date of birth of a child or children of the adoptive parent of parents, the disposition shall be construed as if—
- (a) the adopted child had been born on the date of adoption,
 - (b) two or more children adopted on the same date had been born on that date in the order of their actual births,
- but this does not affect any reference to the age of a child.
- (3) Examples of phrases in wills on which sub-paragraph (2) can operate are—
1. Children of A “living at my death or born afterwards”.
 2. Children of A “living at my death or born afterwards before any one of such children for the time being in existence attains a vested interest, and who attain the age of 21 years”.
 3. As in example 1 or 2, but referring to grandfather of A, instead of children of A.
 4. A for life “until he has a child”, and then to his child or children.
- Note.* Sub-paragraph (2) will not affect the reference to the age of 21 years in example 2.
- (4) Paragraph 3(2) does not prejudice any interest vested in possession in the adopted child before the adoption, or any interest expectant (whether immediately or not) upon an interest so vested.
- (5) Where it is necessary to determine for the purposes of a disposition of property effected by an instrument whether a woman can have a child, it shall be presumed that once a woman has attained the age of fifty-five she will not adopt a child after execution of the instrument, and notwithstanding paragraph 3 if she does so the child shall not be treated as her child or as the child of her spouse (if any) for the purposes of the instrument.
- (6) In this paragraph “instrument” includes a private Act settling property, but not any other enactment.
- (7) Paragraph 3(6) has effect subject to this paragraph.]

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Textual Amendments

F11 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Other enactments and instruments

- [^{F127} (1) Paragraph 3 does not apply for the purposes of the table of kindred and affinity in Schedule 1 to the ^{M4}Marriage Act 1949 or sections 10 and 11 (incest) of the ^{M5}Sexual Offences Act 1956.
- (2) Paragraph 3 does not apply for the purposes of any provision of—
- (a) [^{F13}the ^{M6}British Nationality Act 1981],
 - (b) the ^{M7}Immigration Act 1971,
 - (c) any instrument having effect under an enactment within paragraph (a) or (b), or
 - (d) any other provision of the law for the time being in force which determines [^{F14}British citizenship, British Dependent Territories citizenship [, ^{F15}the status of a British National (Overseas)] or British Overseas citizenship.]
- (3) Paragraph 3 shall not prevent a person being treated as a near relative of a deceased person for the purposes of section 32 of the ^{M8}Social Security Act 1975 (payment of death grant), if apart from paragraph 3 he would be so treated.
- (4) Paragraph 3 does not apply for the purposes of section 70(3)(b) or section 73(2) of the ^{M9}Social Security Act 1975 (payment of industrial death benefit to or in respect of an illegitimate child of the deceased and the child's mother).
- (5) Subject to regulations made under section 72 of the ^{M10}Social Security Act 1975 (entitlement of certain relatives of deceased to industrial death benefit), paragraph 3 shall not affect the entitlement to an industrial death benefit of a person who would, apart from paragraph 3, to treated as a relative of a deceased person for the purposes of the said section 72.]

Textual Amendments

- F12** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4
- F13** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(6), [Sch. 7](#)
- F14** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(6), [Sch. 7](#)
- F15** Words inserted by [S.I.1986/948](#) arts. 1(1), 8, Sch.

Marginal Citations

- M4** 1949 c. 76(49:1).
- M5** 1956 c. 69(39:5).
- M6** 1981 c. 61(87).
- M7** 1971 c. 77(62).
- M8** 1975 c. 14(113:1).
- M9** 1975 c. 14(113:1).
- M10** 1975 c. 14(113:1).

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Pensions

[^{F168} Paragraph 3(2) does not affect entitlement to a pension which is payable to or for the benefit of a child and is in payment at the time of his adoption.]

Textual Amendments

F16 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Adoption of child by natural parents

[^{F179} In the case of a child adopted by one of its natural parents as sole adoptive parent, paragraph 3(2) has no effect as respects entitlement to property depending on relationship to that parent, or as respects anything else depending on that relationship]

Textual Amendments

F17 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Peerages, etc.

[^{F1810} An adoption does not affect the descent of any peerage or dignity or title of honour.]

Textual Amendments

F18 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Insurance

[^{F1911} Where a child is adopted whose natural parent has effected an insurance with a friendly society or a collecting society or an industrial insurance company for the payment on the death of the child of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption be transferred to the adoptive parents who shall for the purposes of the enactments relating to such societies and companies be treated as the person who took out the policy.]

Textual Amendments

F19 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

PART III

12, 13. ^{F20}

Textual Amendments

F20 Sch. 1 paras. 1(3), 12, 13, 14(2) repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), **Sch. 2**

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

[^{F21}PART IV

SUPPLEMENTAL]

Textual Amendments

F21 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Dispositions depending on date of birth

[^{F22}14 (1) Where a disposition depends on the date of birth of a child who was born illegitimate and who—

- (a) is adopted by one of the natural parents as sole adoptive parent,
- (b) . . . ^{F23}

paragraph 6(2) and paragraph 12(4) do not affect entitlement under Part II of the ^{M11}Family Law Reform Act 1969 (illegitimate children).

(2) ^{F24}

(3) This paragraph applies for example where—

- (a) a testator dies in 1976 bequeathing a legacy to his eldest grandchild living at a specified time,
- (b) his daughter has an illegitimate child in 1977 who is the first grandchild,
- (c) his married son has a child in 1978,
- (d) subsequently the illegitimate child is adopted by the mother as sole adoptive parent . . . ^{F25}.

and in all those cases the daughter's child remains the eldest grandchild of the testator throughout.]

Textual Amendments

F22 Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

F23 Para. 14(1)(b) repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), **Sch. 2**

F24 Sch. 1 paras. 1(3), 12, 13, 14(2) repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), **Sch. 2**

F25 Words repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), **Sch. 2**

Marginal Citations

M11 1969 c. 46.

Protection of trustees and personal representatives

[^{F26}15 (1) A trustee or personal representative is not under a duty, by virtue of the law relating to trusts or the administration of estates, to enquire, before conveying or distributing any property, whether—

- (a) any adoption has been effected or revoked,
- (b) . . . ^{F27}

if that fact could affect entitlement to the property.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- (2) A trustee or personal representative shall not be liable to any person by reason of a conveyance or distribution of the property made without regard to any such fact if he has not received notice of the fact before the conveyance or distribution.
- (3) This paragraph does not prejudice the right of a person to follow the property, or any property representing it, into the hands of another person, other than a purchaser, who has received it.]

Textual Amendments

- F26** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4
- F27** Para. 15(1)(b) repealed by [Legitimacy Act 1976 \(c. 31, SIF 49:7\)](#), [Sch. 2](#)

Property devolving with peerages, etc.

- [^{F28}16 (1) This Schedule shall not affect the devolution of any property limited (expressly or not) to devolve (as nearly as the law permits) along with any peerage or dignity of title of honour.
- (2) This paragraph applies only if and so far as a contrary intention is not expressed in the instrument, and shall have effect subject to the terms of the instrument.]

Textual Amendments

- F28** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Entails

- [^{F29}17 It is hereby declared that references in this Schedule to dispositions of property include references to a disposition by the creation of an entailed interest.]

Textual Amendments

- F29** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

[^{F30}**PART V**

EXTENT]

Textual Amendments

- F30** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

- [^{F31}18 This Schedule does not apply to Scotland.]

Textual Amendments

- F31** Sch. 1 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

[^{F32}SCHEDULE 2

STATUS CONFERRED IN SCOTLAND BY ADOPTION]

Textual Amendments

F32 Sch. 2 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), s. 74(2), Sch 4

^{F33} General

Textual Amendments

F33 Sch. 2 paras. 1–4 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 2 para. 3, Sch. 4

^{F34}^{F35}₁

Textual Amendments

F34 Sch. 2 paras. 1–4 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 2 para. 3, Sch. 4

F35 Sch. 2 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11) s. 74(2), Sch. 4

^{F36} Pensions

Textual Amendments

F36 Sch. 2 paras. 1–4 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 2 para. 3, Sch. 4

^{F37}^{F38}₂

Textual Amendments

F37 Sch. 2 paras. 1–4 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 2 para. 3, Sch. 4

F38 Sch. 2 repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11) s. 74(2), Sch. 4

^{F39} Insurance

Textual Amendments

F39 Sch. 2 paras. 1–4 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, Sch. 2 para. 3, Sch. 4

^{F40}^{F41}₃

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Textual Amendments

- F40** Sch. 2 paras. 1-4 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 para. 3, [Sch. 4](#)
- F41** Sch. 2 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

F42 Social Security

Textual Amendments

- F42** Sch. 2 paras. 1-4 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 para. 3, [Sch. 4](#)

F43F44₄

Textual Amendments

- F43** Sch. 2 paras. 1-4 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, [Sch.](#)
- F44** Sch. 2 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Succession of Property

[^{F45}^{F46}(1)

^{F46}(2)

(3) In section 24 of the said Act of 1964 (provisions supplementary to section 23), after subsection (1) there is inserted the following subsection—

“(1A) Where, in relation to any purpose specified in section 23(1) of this Act, any right is conferred or any obligation is imposed, whether by operation of law or under any deed coming into operation after the commencement of the Children Act 1975, by reference to the relative seniority of the members of a class of persons, then, without prejudice to any entitlement under Part I of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 of an illegitimate child who is adopted by one of his parents,

- (a) any member of that class who is an adopted person shall rank as if he had been born on the date of his adoption, and
- (b) if two or more members of the class are adopted persons whose dates of adoption are the same, they shall rank as between themselves in accordance with their respective times of birth.”

^{F46}(4)]

Textual Amendments

- F45** Sch. 2 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4
- F46** Para. 5(1)(2)(4) repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66 Sch 2 para. 3, [Sch. 4](#)

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Adoption and Legitimation

[^{F47}6^{F48}(1).....]

(2) Section 1 of the ^{M12}Legitimation (Scotland) Act 1968, (requirements and effects of legitimation) is renumbered subsection (1) and at the end there is added the following subsection—

“(2) Subsection (1) above shall apply in relation to an illegitimate person who has been adopted by one of his natural parents as sole adoptive parent, where the adopter thereafter marries the other natural parent, as it applies in relation to any illegitimate person, to the effect of rendering that person the legitimate child of both natural parent; and in this Act “illegitimate”, “legitimated” and cognate expressions shall be construed accordingly.”.

^{F48}(3).....]

Textual Amendments

F47 Sch. 2 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

F48 Para. 6(1)(3) repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 para. 3, **Sch. 4**

Marginal Citations

M12 1968 c. 22(49:8).

^{F49} Interpretation

Textual Amendments

F49 Sch. 2 para. 7 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 para. 3, **Sch. 4**

^{F50}^{F51}7.....]

Textual Amendments

F50 Sch. 2 para. 7 repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66, Sch. 2 para. 3, **Sch. 4**

F51 Sch. 2 repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#) s. 74(2), Sch. 4

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

SCHEDULE 3

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Modifications etc. (not altering text)

- C3** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Children and Young Persons Act 1933 (23 and 24 Geo. 5 c. 12)

- 1 In section 1(1)(b), for the words “one hundred pounds” there are substituted the words “£400”.

Children and Young Persons (Scotland) Act 1937 (c. 37)

- 2 In section 12(1)(b) for the words “twenty-five pounds” there is substituted “£400”.
- 3 **F52**

Textual Amendments

- F52** Sch. 3 para. 3 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. VII

- 4—6 **F53**

Textual Amendments

- F53** Sch. 3 paras. 4–6 repealed (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

Marriage Act 1949 (c. 76)

- 7 In section 3(1), after the words “shall be required” there are inserted the words “unless the infant is subject to a custodianship order, when the consent of the custodian and, where the custodian is the husband or wife of a parent of the infant, of that parent shall be required”.
- 8 In Part I of Schedule 1—
- (a) after “Mother” there is inserted “Adoptive mother or former adoptive mother” ;
 - (b) after “Daughter” there is inserted “Adoptive daughter or former adoptive daughter” ;
 - (c) after “Father” there is inserted “Adoptive father or former adoptive father” ;
 - (d) after “Son” there is inserted “Adoptive son or former adoptive son”.
- 9 In Schedule 2 in paragraph 2(b) after the words “deceased parent” there are inserted the words “or by the court under section 3 of the Guardianship of Minors Act 1971”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Maintenance Orders Act 1950 (c. 37)

- 10 In section 15, after the words “Maintenance Orders (Reciprocal Enforcement) Act 1972” there are inserted the words “or sections 33 to 45 of the Children Act 1975”.
- 11 In section 16(2)(a), after sub-paragraph (v) there are inserted the following sub-paragraphs—
- “(vi) section 4 of the Affiliation Proceedings Act 1957 on an application made under section 45 of the Children Act 1975 ;
- (vii) section 34(1)(b) of the Children Act 1975 ;”.
- 12 F54

Textual Amendments

F54 Sch. 3 para. 12 repealed by [Domestic Proceedings and Magistrates' Court Act 1978 \(c. 22, SIF 49:3\)](#), Sch. 3

Births and Deaths Registration Act 1953 (c. 20)

- 13 (1) For “living new-born child” in each place where it occurs, except sections 6, 7, 8, 34(3) and 36, there is substituted “still-born child”.
- (2) In section 1(2) after paragraph (d) there is added—
- “(e) in the case of a still-born child found exposed, the person who found the child.”
- (3) In section 14(1)(a) after “section 10” there is inserted “or 10A”.
- (4) In section 30 after subsection (1) there is inserted the following subsection—
- “(1A) The Registrar General shall cause an index to be made and kept in the General Register Office of the entries in the register kept by him under section 3A of this Act.”
- (5) In section 34—
- (a) in subsection (2) after paragraph (c) there is added the following paragraph—
- “(d) in relation to the re-registration of a birth under section 9(5) of this Act”;
- (b) in subsection (3) after “new-born child” there is inserted “or still-born child”.
- (6) In section 41—
- (a) after the definition of “disposal” there is inserted the following definition— “father”, in relation to an adopted child, means the child’s natural father ; ” ;
- (b) after the definition of “the Minister” there is inserted the following definition — “ “mother” , in relation to an adopted child, means the child’s natural mother ; ”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

[^{F55}Affiliation Proceedings Act 1957 (c. 55)]

Textual Amendments

F55 Sch. 3 para. 14 repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), **Sch. 4**

14 In section 5(2) there is inserted at the end the following paragraph—
 “(e) section 45 of the Children Act 1975 (which enables the custodian of a child to apply for an affiliation order under this Act within three years after the making of the custodianship order).”

15 ^{F56}

Textual Amendments

F56 Sch. 3 para. 15 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

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

16 In section 2, as it applies in England and Wales,—
^{F57}(a) in subsection (1), after the word “guardian” there is inserted the word “custodian” ;]
^{F58}(b) in subsection (4A),—
 (i) for the words “registered adoption society as is referred to in Part II of the Adoption Act 1958” there are substituted the words “adoption society approved under Part I of the Children Act 1975”, and
 (ii) for the words “that Act” there are substituted the words “the Adoption Act 1958”.]

Textual Amendments

F57 Sch. 3 para. 16(a) repealed (E.W.) by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**
F58 Sch. 3 para. 16(b) repealed (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 4**

17 ^{F59}

Textual Amendments

F59 Sch. 3 para. 17 repealed (31.1.1985) by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), s. 22, **Sch. 3** and also expressed to be repealed by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), **Sch. 4**

18—20. ^{F60}

Textual Amendments

F60 Sch. 3 paras. 18–20 repealed (E.W.) by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3** and (S.) by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), **Sch. 3**

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

21—40. F61

Textual Amendments

F61 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), Sch. 2, para. 3, **Sch. 4** and (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 4**

County Courts Act 1959 (c. 22)

41 In section 109(2) the following paragraph is inserted after paragraph (g)—
“(h) any proceedings under the Guardianship of Minors Acts 1971 and 1973 or the Children Act 1975.”

^{F62} Children and Young Persons Act 1963 (c. 37)

Textual Amendments

F62 Sch. 3 para. 42 repealed (E.W.) by Child Care Act 1980 (c. 5, SIF 20), **Sch. 6**

42 In section 49(1), for the words “twenty pounds” there are substituted the words “£100”.]

Perpetuities and Accumulations Act 1964 (c. 55)

43 In section 4, the following subsection is inserted at the end—
“(7) For the avoidance of doubt it is hereby declared that a question arising under section 3 of this Act or subsection (1)(a) above of whether a disposition would be void apart from this section is to be determined as if subsection (6) above had been a separate section of this Act.”

44, 45. F63

Textual Amendments

F63 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), Sch. 2, para. 3, **Sch. 4** and (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 4**

Health Services and Public Health Act 1968 (c. 46)

46 For section 64(3)(a) there is substituted—
“(a) “the relevant enactments” means—
(i) Parts III and IV of the Children and Young Persons Act 1933,
(ii) the National Health Service Act 1946,
(iii) Part III of the National Assistance Act 1948,
(iv) the Children Act 1948,
(v) the Adoption Act 1958,
(vi) the Children Act 1958,

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- (vii) section 9 of the Mental Health Act 1959.
- (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (ix) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (x) the Children and Young Persons Act 1963, except Part II and section 56,
- (xi) this Act,
- (xii) the Adoption Act 1968,
- (xiii) section 7(4) of the Family Law Reform Act 1969,
- (xiv) the Children and Young Persons Act 1969, except so far as it relates to any voluntary home designated as mentioned in section 39(1) of that Act as a controlled or assisted community home.
- (xv) section 43 of the Matrimonial Causes Act 1973,
- (xvi) the National Health Service Reorganisation Act 1973,
- (xvii) the Children Act 1975.”

47 For section 65(3)(b) there is substituted—

“(b) “the relevant enactments” means—

- (i) Parts III and IV of the Children and Young Persons Act 1933,
- (ii) Part III of the National Health Service Act 1946.
- (iii) Part III of the National Assistance Act 1948,
- (iv) the Children Act 1948,
- (v) the Adoption Act 1958,
- (vi) section 3 of the Disabled Persons (Employment) Act 1958,
- (vii) the Children Act 1958,
- (viii) section 9 of the Mental Health Act 1959,
- (ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- (x) section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (xi) the Children and Young Persons Act 1963, except Part II and section 56,
- (xii) this Act,
- (xiii) the Adoption Act 1968,
- (xiv) section 7(4) of the Family Law Reform Act 1969,
- (xv) the Children and Young Persons Act 1969,
- (xvi) section 43 of the Matrimonial Causes Act 1973,
- (xvii) the National Health Service Reorganisation Act 1973,
- (xviii) the Children Act 1975.”

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

48 In section 2(2) (functions of the social work committee), the following paragraph is inserted after paragraph (g)—

“(h) the Children Act 1975.”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- 49 For section 5(2) there is substituted—
- “(2) The Secretary of State may make regulations in relation to—
- (a) the performance of the functions assigned to local authorities by this Act ;
 - (b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes ;
 - (c) the performance of the functions referred to social work committees under section 2(2)(b) to (e) and (h) of this Act.
 - (d) the performance of the functions transferred to local authorities by section 1(4)(a) of this Act.”.
- 50 [^{F64}In section 6(1)(b), after sub-paragraph (ii) there is inserted the following sub-paragraph—
- “(iii) a child who has been placed for adoption by an adoption agency (within the meaning of section 1 of the Children Act 1975) ;”.]

Textual Amendments

F64 Sch. 3 para. 50 repealed (S.) (23.2.2006) by [Joint Inspection of Childrens Services and Inspection of Social Work Services \(Scotland\) Act 2006 \(asp 3\)](#), **ss. 8(4)(b)**, 10(2)

- 51 In section 10—
- (a) in subsection (1), for the words from “with his functions” to the end there is substituted “with—
 - (a) his functions ;
 - (b) the functions of local authorities, under this Act or under the enactments specified in paragraph (a) of section 1(4) and paragraphs (b) to (e) and (h) of section 2(2) of this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.”;
 - (b) after subsection (3) there is inserted—

“(3A) In subsection (3) above, “voluntary organisation the sole or primary object of which is to promote social welfare” includes an adoption society approved under Part I of the Children Act 1975.”.

^{F65}52

Textual Amendments

F65 Sch. 3 para. 52 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), **Sch. 5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

^{F66}53

Textual Amendments

F66 Sch. 3 para. 53 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), **Sch. 5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

F67 54

Textual Amendments
F67 Sch. 3 para. 54 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F68 55

Textual Amendments
F68 Sch. 3 para. 55 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F69 56

Textual Amendments
F69 Sch. 3 para. 56 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

F70 57

Textual Amendments
F70 Sch. 3 para. 57 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 26(10), Sch. 5 (with s. 103(1)); S.I. 1996/3201, art. 3(7)

58 In section 69—
(a) in subsection (1), at the end there are added the following words— “ ; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.
(b) for subsection (5) there is substituted—

“(5) In this and the next following section any reference—
(a) to a child absconding includes a reference to his being unlawfully taken away;
(b) to a child absconding from a place or from the control of a person includes a reference to his absconding while being taken to, or awaiting being taken to, that place or that person as the case may be.”.

59 In section 70, at the end there are added the following words— “; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.

60 In section 7, for the words “one hundred pounds” there is substituted “£400”.

61, 62. F71

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Textual Amendments

F71 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), Sch. 2, para. 3, **Sch. 4** and (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 4**

63 **F72**

Textual Amendments

F72 Sch. 3 para. 63 repealed by British Nationality Act 1981 (c. 61, SIF 87), **Sch. 9** and also expressed to be repealed by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11)

64, 65. **F73**

Textual Amendments

F73 Sch. 3 paras. 21–40, 44, 45, and 61–65 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), Sch. 2, para. 3, **Sch. 4** and (E.W.) by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 4**

66 **F74**

Textual Amendments

F74 Sch. 3 para. 66 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), **Sch. 1 Pt. 1**

Children and Young Persons Act 1969 (c. 54)

67 In section 1(2) the following paragraph is inserted after paragraph (b)—
“(bb) it is probable that the conditions set out in paragraph (a) of this subsection will be satisfied in his case, having regard to the fact that a person who has been convicted of an offence mentioned in Schedule 1 to the Act of 1933 is, or may become, a member of the same household as the child ;”

68 The following section is inserted after section 11—

“11A Local authority functions under certain supervision orders.

The Secretary of State may make regulations with respect to the exercise by a local authority of their functions in a case where a person has been placed under their supervision by an order made under section 1(3)(b) or 21(2) of this Act.”

69 In section 21—

(a) the following subsection is inserted after subsection (2)—

“(2A) A juvenile court shall not make an order under subsection (2) of this section in the case of a person who has not attained the age of 18 and appears to the court to be in need of care or control unless the court is satisfied that, whether through the making

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

of a supervision order or otherwise, he will receive that care or control.”;

- (b) in subsection (3) for “the preceding subsection” there is substituted “subsection (2) of this section”.

70 The following section is inserted after section 21—

“21A Termination of care order on adoption, etc.

A care order relating to a child shall cease to have effect—

- (a) on the adoption of the child ;
- (b) if an order under section 14 or section 25 of the Children Act 1975 is made in relation to the child ;
- (c) if an order similar to an order under section 25 of the Children Act 1975 is made in Northern Ireland, the Isle of Man or any of the Channel Islands in relation to the child.”

[^{F75}71 In section 27—

- (a) in subsection (3), for the words “their general duty aforesaid” there are substituted the words “their general duty under section 12(1) of the Children Act 1948” ;
- (b) the following subsections are substituted for subsection (4)—

“(4) Without prejudice to their general duty under the said section 12, it shall be the duty of a local authority to review the case of each child in their care in accordance with regulations made under the following subsection.

- (5) The Secretary of State may by regulations make provision as to—
 - (a) the manner in which cases are to be reviewed under this section ;
 - (b) the considerations to which the local authority are to have regard in reviewing cases under this section ; and
 - (c) the time when a child’s case is first to be reviewed and the frequency of subsequent reviews under this section.”]

Textual Amendments

F75 Sch. 3 paras. 71 and 72 repealed (E.W.) by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 90(3) Sch. 6

[^{F76}72 In section 58(1), the following paragraph is inserted after paragraph (b)—

“(bb) premises in which a child is living with a person other than his parent, guardian, relative or custodian, with whom he has been placed by an adoption agency (within the meaning of section I of the Children Act 1975) ;”.]

Textual Amendments

F76 Sch. 3 paras. 71 and 72 repealed (E.W.) by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 90(3) Sch. 6

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Administration of justice Act 1970 (c. 31)

73 [F77(1) In Schedule 1—

(a) after “Appellate Business” there is inserted the following paragraph—

“Proceedings on appeal under section 4A of the Children Act 1948 ;” ;

(b) at the end there is inserted the following paragraph—

“Proceedings on appeal under the Children Act 1975”.]

(2) In schedule 8—

(a) in paragraph 5, after the words “Social Security Act 1966” there are inserted the words “or section 45 of the Children Act 1975” ;

(b) after paragraph 11, there is inserted the following paragraph—

“12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”

Textual Amendments

F77 Sch. 3 para. 73(1) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [Sch. 7](#)

Local Authority Social Services Act 1970 (c. 42)

74 In Schedule 1—

(a) F78

(b) the following is inserted at the end—

“Children Act 1975 (c. 72)

Part I ...

Maintenance of Adoption Service ;
function of local authority as adoption
agency ; applications for orders freeing
children for adoption ; inquiries carried
out by local authorities in adoption
cases.

Part II ...

Application by local authority for
revocation of custodianship order ;
inquiries carried out by local authority
in custodianship cases.”.

Textual Amendments

F78 Sch. 3 para. 74(a) repealed (E.W.) by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), s. 73(3), [Sch. 4](#)

Guardianship of Minors Act 1971 (c. 3)

75 [F79(1) In section 9—

(a) in subsection (2) for “any person (whether or not one of the parents)” there is substituted “one of the parents” and the words “or either of the parents” are repealed

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- (b) in subsection (3), the proviso is repealed ;
 - (c) in subsection (4), the words from “or (before or after the death of either parent)” to the end are repealed ;
 - (d) the following subsections are inserted after subsection (4)—
 - “(5) An order shall not be made under subsection (1) of this section giving custody to a person other than the mother or father.
 - (6) An order shall not be made under subsection (1) of this section at any time when the minor is free for adoption (within the meaning of section 12(6) of the Children Act 1975)”.]
- (2) In section 13(2), after the words “order for the payment of money” there are inserted the words “made by a magistrates’ court”.
- (3) In section 16—
- (a) in subsection (1) for “the High Court shall” there is substituted “the High Court may” ;
 - (b) in subsection (4) for “the magistrates’ court may” there is substituted “the magistrates’ court shall” ;
 - (c) in subsection (5), for the words from “section 9” to “so given” there are substituted the words “section 3(3) or 4(3A) of the Guardianship Act 1973 for the discharge or variation of a supervision order or, as the case may be, an order giving the care of a minor to a local authority or an order requiring payments to be made to an authority to whom care of a minor is so given”.

Textual Amendments

F79 Sch. 3 para. 75(1) repealed (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(4), [Sch. 4](#)

Attachment of Earnings Act 1971 (c. 32)

- 76 In Schedule 1—
- (a) in paragraph 6, after the words “Social Security Act 1966” there are inserted the words “or section 45 of the Children Act 1975” ;
 - (b) after paragraph 11, there is inserted the following paragraph—
 - “12 An order under section 34(1)(b) of the Children Act 1975 (payments of maintenance in respect of a child to his custodian).”

77 **F80**

Textual Amendments

F80 Sch. 3 para. 77 repealed by [Parliamentary and other Pensions Act 1987 \(c. 45, SIF 89\)](#), s. 6, [Sch. 3 para. 1\(4\)](#), [Sch. 4](#)

Matrimonial Causes Act 1973 (c. 18)

- 78 In section 44(1), for the words “custody of any person” there are substituted the words “care of any person”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

79 In section 50(1), at the end of paragraph (e) there are inserted the following words—

“or

- (b) proceedings to which section 100(7)(d) of the Children Act 1975 applies (certain applications for revocation and variation of custodianship etc. orders);”.

Guardianship Act 1973 (c. 29)

80 (1) In section 4(3) for the words from “the following provisions” to the end there are substituted the following words “sections 12(2) and 13 of the Guardianship of Minors Act 1971 shall apply as if the order made under section 2 of this Act were an order under section 9 of the Guardianship of Minors Act 1971.”

(2) After section 4(3) there is inserted the following subsection—

“(3A) An order under section 2(2)(b) or (3) above relating to a minor may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under the Guardianship of Minors Act 1971 or on the application of the local authority to whose care the minor was committed by the order under section 2(2)(b).”

81 In section 6(1), for “section 9 of the Guardianship of Minors Act 1971 or section” there is substituted “section 5 or 9 of the Guardianship of Minors Act 1971 or section 1(3) or”.

82 F81

Textual Amendments

F81 Sch. 3 para. 82 repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

83 F82

Textual Amendments

F82 Sch. 3 para. 83 repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), [Sch. 1 Pt. I](#)

SCHEDULE 4

Section 108.

FURTHER REPEALS

Modifications etc. (not altering text)

C4 The text of Sch. 4 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.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

PART I

STATUS OF ADOPTED CHILD

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 29	Adoption of Children Act 1926.	The whole Act so far as unrepealed
3 & 4 Geo. 6. c. 42.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	Section 2(1) and (3).
11 & 12 Geo. 6. c. 43.	Children Act 1948.	In section 59(1), in the definition of “parent”, paragraph (a).
11 & 12 Geo. 6. c. 53.	Nurseries and Child-Minders Regulation Act 1948.	In section 13(2), in the definition of “relative” (as inserted by section 13 of the Adoption of Children Act 1949), paragraph (a).
12 & 13 Geo. 6. c. 76.	Marriage Act 1949.	In section 68(3), the words from “includes” to “but”.
12, 13 & 14 Geo. 6. c. 98.	Adoption of Children Act 1949.	Section 13(1)(a).
14 & 15 Geo. 6. c. 11.	Administration of Justice(Pensions) Act 1950.	Section 26(2).
1 & 2 Eliz. 2. c. 20.	Births and Deaths Registration Act 1953.	In section 41, in the definition of “relative” the words from “and in relation to” to the end.
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 150(5), in the paragraph relating to a child of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	In section 15(5), in the paragraph relating to a child of a person, the words “or adopted” and the words from “and in this paragraph” to the end of the paragraph.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In section 28(4), in paragraph (a) the words from “has been adopted” to “a girl who” and the words “(and has not been so adopted)”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

4 & 5 Eliz. 2. c. 70.	Marriage (Scotland) Act 1956.	In section 1(5), paragraph (a) and the words “or adoptive parent” in paragraph (b).
6 & 7 Eliz. 2. c. 65.	Children Act 1958.	In section 17, the definition of “parent”.
6 & 7 Eliz. 2. c. 40.	Matrimonial Proceedings (Children) Act 1958.	In section 7(1)(b), the words “or an adopted”.
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 7(3). Sections 13 and 14. Section 15(1), (2) and (3). Sections 16 and 17. Section 18(1). Section 25.
In section 52(1) the words “(whether in law or in fact)”.		In section 57(1), in the definition of “relative” paragraph (a).
Section 58(2) and (3).		In Schedule 5, paragraphs 1 to 4.
7 & 8 Eliz. 2. c. 65.	Fatal Accidents Act 1959.	In section 1, subsection (2)(a) and subsection (3).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In section 49, in subsection (2) the words from “an adopted person” to “as aforesaid”, and subsection (5).
8 & 9 Eliz. 2. c. 48.	Matrimonial Proceedings (Magistrates Courts) Act 1960.	In section 16(1), the words “or adopted” and “but does not include a child adopted by some other person or persons”, and the words from “and ’adopted” to the end.
8 & 9 Eliz. 2. c. 59.	Adoption Act 1960.	Section 1(2).
8 & 9 Eliz. 2. c. 61.	Mental Health (Scotland) Act 1960.	In section 45, in subsection (2) the words from “adopted person” to “person; and”; and subsection (5).
1964 c. 57.	Adoption Act 1964.	Section 1(1), (2) and (4).
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 56(1), in the definition of “relative” the words from “and in relation to” to the end.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

1965 c. 53.	Family Allowances Act 1965.	Section 17(4).
1967 c. 29.	Housing Subsidies Act 1967.	In section 24(3)(c), the word “adopted”.
1967 c. 81.	Companies Act 1967.	In section 30(2), the words “and adopted son” and “and adopted daughter”. In section 31(5), the words “and adopted son” and “and adopted daughter”.
1967 c. 88.	Leasehold Reform Act 1967.	In section 7(7), the words “and any adopted son or daughter”. In section 18(3), the words “and any adopted son or daughter”.
1968 c. 49.	Social Work (Scotland) Act 1968.	In section 94(1), in the definition of “parent”, paragraph (a).
1968 c. 53.	Adoption Act 1968.	Section 4(1) and (2). Section 10(2) and (3).
1968 c. 71.	Race Relations Act 1968.	In section 7(4) the words “and any adopted son or daughter”.
1971 c. 56.	Pensions (Increase) Act 1971.	In section 3(7), the words from “and includes” to the end.
1973 c. 16.	Education Act 1973.	In section 3(5), the words from “and a child” to the end.
1973 c. 18.	Matrimonial Causes Act 1973.	In section 52(1), the definition of “adopted” and, in the definition of “child”, the words “or adopted”.
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	In section 4(5), the words from “and in its application” to the end.
1975 c. 14.	Social Security Act 1975.	In section 32(3)(c), the words “the same relationship by adoption and to include also”. In section 71(6), the words “and a parent by adoption”. In section 161(2), the words “a son or daughter by adoption and”.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

1975 c. 61.	Child Benefit Act 1975.	In Schedule 20, in the definition of “relative” the words “or adoption”. Section 24(3)(c).
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The repeals of sections 16 and 17 of the 1958 Act, and of provisions containing references to those sections, have effect subject to paragraph 5(2) of Schedule 1, and the other repeals in this Part have effect as respect things done, or events occurring, after 31st December 1975.

PART II

LEGITIMATION

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5 c. 60.	Legitimacy Act 1926. Section 1(3).	Sections 3 to 5. In section 8(2), the words from “and to the taking” to “of a legitimated person”. In section 11, the definitions of “disposition”, “intestate” and “entailed interest”.
1969 c. 46.	Family Law Reform Act 1969.	Section 14(8). Section 15(4) and (6).

These repeals have effect subject to paragraph 12(9) of Schedule 1.

PART III

MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5 c. 12.	Children and Young Persons Act 1933.	In section 1, in subsection (1)(a), the words “not exceeding one hundred pounds”, and in subsection (5), the words from “the maximum” to “pounds, and”.
1937 c. 37.	Children and Young Persons (Scotland) Act 1937	In section 12, in subsection (1)(a), the words “not exceeding one hundred pounds”, and in subsection (5)(a) the words

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	<p>from “the maximum” to “pounds, and”.</p> <p>In section 4(2), the words from “(either” to “brought up)”.</p> <p>Section 7(1)(b) and (2).</p> <p>Section 21(3).</p> <p>In section 20(4), the words from “pursuant to” to “in force”.</p> <p>Section 49.</p> <p>In section 57(1) the definition of “infant”.</p>
1963 c. 37.	Children and Young Persons Act 1963.	Schedules I and 2.
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	Section 54.
1968 c. 22.	Legitimation (Scotland) Act 1968.	Section 54(1)(d).
1968 c. 53.	Adoption Act 1968.	<p>In section 6(3), the words “or to subsection (1) of that section”.</p>
		<p>Sections 1 to 3.</p> <p>In section 9(5), the words “or adoption”.</p> <p>In section 11(1), the definitions of “qualified infant”, “qualified person” and “qualified spouses”.</p> <p>In section 12(1), the words “or under Part I of the Act of 1958 in its application to adoption orders and proposed adoption orders”, the words “or the said Part I” in both places where they occur and the words from “and the rules” to the end.</p> <p>In section 14(3), the words from “except the” to “1958 and”.</p>
1969 c. 54.	Children and Young Persons Act 1969.	Section 27(2).
1973 c. 29.	Guardianship Act 1973.	Section 3(5).

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

These repeals take effect on 1st January 1976.

PART IV

ADOPTION ORDERS

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Sections 1 and 2. Sections 4 and 5. Section 7(1)(a) and (c) and (3). Section 9(1) and (5). Section 10. Section 11(1) and (3). Section 12. Section 21(2).
1966 c. 19.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1966.	Section 4.
1971 c. 3.	Guardianship of Minors Act 1971.	Section 16(2).

These repeals take effect on the date section 8(1) comes into force.

PART V

CHILDREN IN CARE OF LOCAL AUTHORITIES

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 43.	Children Act 1948.	Section 3(1) and (2).
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 15(4) and (5).
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In Schedule 7, the entry relating to the Children Act 1948.
1963 c. 37.	Children and Young Persons Act 1963.	Section 48.
1968 c. 49.	Social Work (Scotland) Act 1968.	Section 17(1) and (2). In section 18(4) the words “but where on such an application the court appoints

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

1971 c. 3.	Guardianship of Minors Act 1971.	a guardian the resolution shall cease to have effect”. In section 5(2) the words from “but where” to the end.
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These repeals take effect on the date sections 57 and 74 come into force.

PART VI

REGISTRATION OF BIRTHS

Chapter	Short Title	Extent of Repeal
1953 c. 20.	Births and Deaths Registration Act 1953.	In section 3, the words “and of any person in whose charge the child may be placed” and the proviso. In section 6, the words “or finding” and in that section and in section 7 the words “or from the date when any living new-born child is found exposed”. In section 8, the words “or, in the case of a living newborn child found exposed, from the date of the finding”. In section 36(a), the words “or any living new born child”.
1969 c. 46.	Family Law Reform Act 1969.	Section 27(2), (3), (4) and (5).

These repeals take effect on the date section 92 comes into force.

PART VII

ADOPTION AGENCIES

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 28(2). Sections 30 and 31. In section 32(3) the words from “children” to the end. In section 57(1) the definitions of “charitable

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

1970 c. 42.	Local Authority Social Services Act 1970.	association” and “registered adoption society”. Schedule 3. In column 2 of Schedule 1, the words “Making etc. arrangements for the adoption of children; regulation of adoption societies.”.
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These repeals take effect on the date section 4 comes into force.

PART VIII

ADOPTION: EVIDENCE OF AGREEMENT & GUARDIANS AD LITEM

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 6. Section 9(7) and (8). Section 11(4) and (5).

These repeals take effect on the date section 20 comes into force.

PART IX

INQUIRIES ETC. BY ADOPTION AGENCIES

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 3. Section 8. Section 53. In section 57(1), the definition of “Compulsory School age”.

These repeals take effect on the date section 18 comes into force.

PART X

GRANTS ETC. FOR VOLUNTARY ORGANISATIONS

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6 c. 43.	Children Act 1948.	Section 45(2).

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

		Section 46.
1969 c. 54.	Children and Young Persons Act 1969.	Section 65(2).

These repeals take effect on the date paragraphs 46 and 47 of Schedule 3 come into force.

PART XL

PROTECTED CHILDREN

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	In section 37(1), paragraph (a), the words “of the person first mentioned in paragraph (a) of this subsection or, as the case may be,” and the words “but is not a foster child within the meaning of Part I of the Children Act 1958”. Section 37(2) and (5). Section 40(1), (2) and (3). Sections 41 and 42. In section 43(1), the words from “or in contravention” to “of this Act”.

These repeals take effect on the date paragraph 31 of Schedule 3 comes into force.

PART XLL

CUSTODIANSHIP

Chapter	Short Title	Extent of Repeal
1973 c. 29.	Guardianship Act 1973.	In section 2, in subsection (2) (b), the words “or to any other individual” and in subsection (4)(a) the words “or to any person given the custody of the minor”. In section 3(3), the words from “or (before)” to “section 9(1) of that Act” and the words from “and section 16(5)” to the end.

Changes to legislation: *There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)*

These repeals take effect on the date section 33 comes into force.

Changes to legislation:

There are currently no known outstanding effects for the Children Act 1975.