
Changes to legislation: Children (Scotland) Act 1995, Paragraph 26 is up to date with all changes known to be in force on or before 19 April 2024. 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

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 ^{M1}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.

Changes to legislation: Children (Scotland) Act 1995, Paragraph 26 is up to date with all changes known to be in force on or before 19 April 2024. 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

- (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.

Commencement Information

- II** Sch. 4 para. 26 fully in force at 22.1.2002; Sch. 4 para. 26 not in force at Royal Assent see s. 105(1); Sch. 4 para. 26(1)-(3),(4)(a)(c), (5)-(7) in force at 1.11.1996 by S.I. 1996/2203, art. 3(3), Sch. (with arts. 4-7) (as amended (19.1.1997) by S.I. 1997/137, art. 2); Sch. 4 para. 26(4)(b)(9)(10) in force at 1.4.1997 by S.I. 1996/3201, art. 3(7) (with arts. 4-6) (as amended (3.7.1997) by S.I. 1997/744, arts. 2, 3); Sch. 4 para. 26(8) in force in so far as not already in force at 22.1.2002 by S.S.I. 2002/12, art. 2
-

Marginal Citations

- M1** 1994 c. 39.

Changes to legislation:

Children (Scotland) Act 1995, Paragraph 26 is up to date with all changes known to be in force on or before 19 April 2024. 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.

[View outstanding changes](#)

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

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by [S.I. 2010/1906, reg. 2](#))

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

- [s. 3\(3A\)\(ba\)](#) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- [s. 4B](#) inserted by [2020 asp 16 s. 28\(2\)](#)
- [s. 6\(1A\)-\(1D\)](#) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- [s. 10\(1A\)](#) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- [s. 11\(14\)](#) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- [s. 11B11C](#) inserted by [2020 asp 16 s. 8\(2\)](#)
- [s. 11B\(2\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11D](#) inserted by [2020 asp 16 s. 17\(2\)](#)
- [s. 11D\(3\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11E](#) inserted by [2020 asp 16 s. 18\(2\)](#)
- [s. 11F](#) inserted by [2020 asp 16 s. 20\(2\)](#)
- [s. 11G](#) inserted by [2020 asp 16 s. 22\(2\)](#)
- [s. 11ZA11ZB](#) inserted by [2020 asp 16 s. 1\(4\)](#)
- [s. 11ZA\(2A\)](#) inserted by [2020 asp 16 s. 30\(2\)](#)
- [s. 11ZA\(3\)\(f\)](#) inserted by [2020 asp 16 s. 16\(2\)](#)
- [s. 16\(1A\)](#) inserted by [2020 asp 16 s. 30\(3\)](#)
- [s. 16\(2\)-\(2B\)](#) substituted for [s. 16\(2\)](#) by [2020 asp 16 s. 1\(6\)](#)
- [s. 100A](#) inserted by [2020 asp 16 s. 21\(2\)](#)
- [s. 101D](#) inserted by [2020 asp 16 s. 11\(2\)](#)
- [s. 101E](#) inserted by [2020 asp 16 s. 12\(2\)](#)