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STATUTORY INSTRUMENTS

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**1996 No. 3201 (C.102) (S.241)**

**CHILDREN AND YOUNG PERSONS**

**The Children (Scotland) Act 1995  
(Commencement No.3) Order 1996**

*Made - - - - 11th December 1996*

The Secretary of State, in exercise of the powers conferred upon him by section 105(1) of the Children (Scotland) Act 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Children (Scotland) Act 1995 (Commencement No.3) Order 1996.

**Interpretation**

2. In this Order “the Act” means the Children (Scotland) Act 1995.

**Commencement**

3.—(1) Sections 17, 19, 20, 31, 33, 38, 40, 42, 62, 70, 74, 75, 87, 94 and 101 of the Act shall come into force on 12th December 1996 but only for the purpose of enabling directions, rules or, as the case may be, regulations to be made under those sections so as to come into force on or after 1st April 1997.

(2) Section 98 of and paragraph 3 of Schedule 2 to the Act, insofar as not then in force, shall come into force on 12th December 1996 but only for the purpose of inserting after paragraph (a) of section 3(3) of the Adoption (Scotland) Act 1978(2) a new paragraph (aa) for the purpose only of enabling regulations to be made, so as to come into force on or after 1st April 1997.

(3) Section 98 of and paragraph 19 of Schedule 2 to the Act, insofar as not then in force, shall come into force on 12th December 1996 but only for the purpose of substituting new subsection (1) and (2) in section 27 of the Adoption (Scotland) Act 1978 for the purpose only of enabling regulations to be made, so as to come into force on or after 1st April 1997.

(4) Section 98 of and paragraph 5 of Schedule 2 of the Act shall come into force, insofar as not then in force, on 12th December 1996 but only for the purpose of amending section 9 of the Adoption

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(1) 1995 c. 36.  
(2) 1978 c. 28.

(Scotland) Act 1978 and inserting a new subsection (3A) in that section of that Act for the purpose only of enabling regulations to be made thereunder so as to come into force on or after 1st April 1997.

(5) Section 98 of and paragraph 25 of Schedule 2 to the Act shall come into force on 12th December 1996 but only for the purpose of inserting new section 51A into the Adoption (Scotland) Act 1978 for the purpose only of enabling regulations to be made, so as to come into force on or after 1st April 1998 or, as the case may be, enabling the Secretary of State to make a direction.

(6) Section 105(4) of and paragraph 15 of Schedule 4 to the Act shall come into force on 12th December 1996 but only for the purpose of amending the Social Work (Scotland) Act 1968<sup>(3)</sup> for the purpose of enabling regulations to be made, so as to come into force on or after 1st April 1997.

(7) The provisions of the Act, insofar as not already in force, shall come into force on 1st April 1997 except—

- (a) section 98 of and paragraph 25 of Schedule 2 to the Act insofar as they insert new section 51A into the Adoption (Scotland) Act 1978, which shall come into force on 1st April 1998; and
- (b) the entry in Schedule 5 to the Act relating to the Trusts (Scotland) Act 1921<sup>(4)</sup>.

St Andrew's House,  
Edinburgh  
11th December 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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<sup>(3)</sup> 1968 c. 49.

<sup>(4)</sup> 11 and 12 Geo. 5 c.58.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force various provisions of the Children (Scotland) Act 1995 (“the Act”).

Article 3(1) of the Order brings into force on 12th December 1996, insofar as not yet in force, section 17 (Duty of local authority to child looked after by them), section 19 (Local authority plans for services for children), section 20 (Publication of information about services for children), section 31 (Review of case of child looked after by local authority), section 33 (Effect of orders etc. made in different parts of the United Kingdom), section 38 (Short term refuges for children at risk of harm), section 40 (Qualification and employment of reporters), section 42 (Power of Secretary of State to make rules governing procedure at children’s hearing etc), section 62 (Regulations in respect of emergency child protection measures), section 70 (Disposal of referral by children’s hearing etc), section 74 (Further provision as respects children subject to supervision requirements), section 75 (Powers of the Secretary of State with respect to secure accommodation), section 87 (Provisions as respect parental responsibilities orders), section 94 (Approval of adoption society, for specific services) and section 101 (Panel for curators ad litem, reporting officers and safeguarders) but only for the purpose of enabling directions, rules or regulations to be made on or before to come into force on 1st April 1997.

Article 3(2) brings into force on 12th December 1996 insertions into section 3(3) of the Adoption (Scotland) Act 1978 but only for the purposes of enabling regulations to be made so as to come into force on or after 1st April 1997.

Article 3(3) brings into force on 12th December 1996 amendments to section 27 of the Adoption (Scotland) Act 1978 but only for the purpose of enabling regulations to be made so as to come into force on or after 1st April 1997.

Article 3(4) brings into force on 12th December 1996 amendments to and insertions in section 9 of the Adoption (Scotland) Act 1978 but only for the purpose of enabling regulations to be made so as to come into force on or after 1st April 1997.

Article 3(5) brings into force on 12th December 1996 insertion of new section 51A into the Adoption (Scotland) Act 1978 but only for the purpose of enabling regulations to be made so as to come into force on or after 1st April 1998, or, as the case may be, enabling the Secretary of State to make a direction.

Article 3(6) brings into force on 12th December 1996 amendments to the Social Work (Scotland) Act 1968 but only for the purpose of enabling regulations to be made so as to come into force on or after 1st April 1997.

Article 3(7) brings into force on 1st April 1997 all the remaining provisions of the Act, insofar as not yet commenced<sup>(5)</sup> except the insertion in the Adoption (Scotland) Act 1978 of new section 51A (which shall to come into force on 1st April 1998) and a repeal of a provision in the Trusts (Scotland) Act 1921 made by Schedule 5 to the Act.

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(5) by virtue of the Children (Scotland) Act 1995 Commencement No. 1) Order 1995 (S.I. 1995/2787) and the Children (Scotland) Act 1995 (Commencement No. 2 and Transitional Provisions) Order 1996 (S.I. 1996/2203) as amended by the Children (Scotland) Act 1995 (Commencement No. 2 and Transitional Provisions) (Amendment) Order 1996 (S.I. 1996/2708).