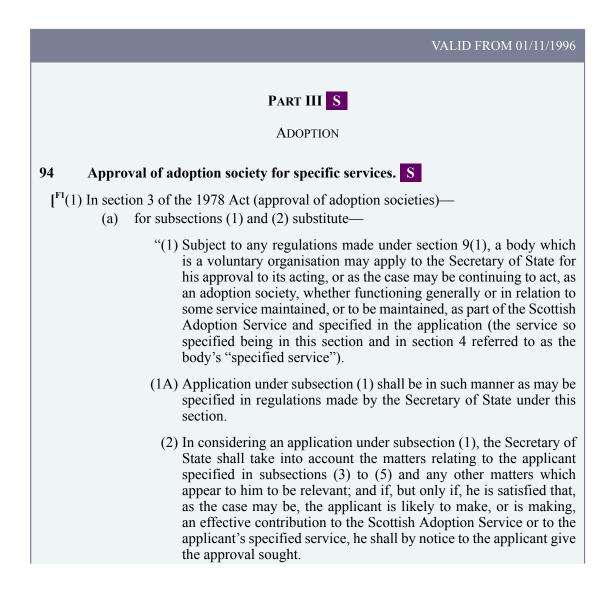


Children (Scotland) Act 1995

1995 CHAPTER 36



- (2A) Approval under subsection (2) shall operate from such date as may be specified in the notice or, in the case of a renewal of approval, from the date of the notice.";
- (b) in subsection (3)(a), the words ", including in particular its ability to make provision for children who are free for adoption" shall cease to have effect;
- (c) in subsection (5), for the words "areas within which" substitute " geographical areas within which, the services as respects which ";
- (d) in subsection (6), after the word "Service" insert ", or as the case may be to the applicant's specified service "; and
- (e) in subsection (7)—
 - (i) for the words "a period of" substitute " such period not exceeding "; and
 - (ii) after the word "operative" insert " as the Secretary of State may specify in the approval. ".
- (2) In section 4 of that Act (withdrawal of approval), after the word "Service" insert ", or as the case may be to the body's specified service, ".]
- (3) In section 65(1) of that Act (interpretation), in the definition of "adoption society", after the word "for" insert ", or in connection with, ".

Textual Amendments

F1 S. 94(1)(2) repealed (*prosp.*) by 2001 asp 8, ss. 80(1), 81(2), Sch. 4

Commencement Information

S. 94 wholly in force at 1.4.1997; s. 94 not in force at Royal Assent see s.105(1); s. 94 in force for certain purposes at 12.12.1996 by S.I. 1996/3201, art. 3(1) (with arts. 4-6 (as inserted (7.3.1997) by S.I. 1997/744, art. 3)); s. 94 in force at 1.4.1997 insofar as not already in force by S.I. 1996/3201, art. 3(7) (with arts. 4-6) (as amended (7.3.1997) by S.I. 1997/744, arts. 2, 3)

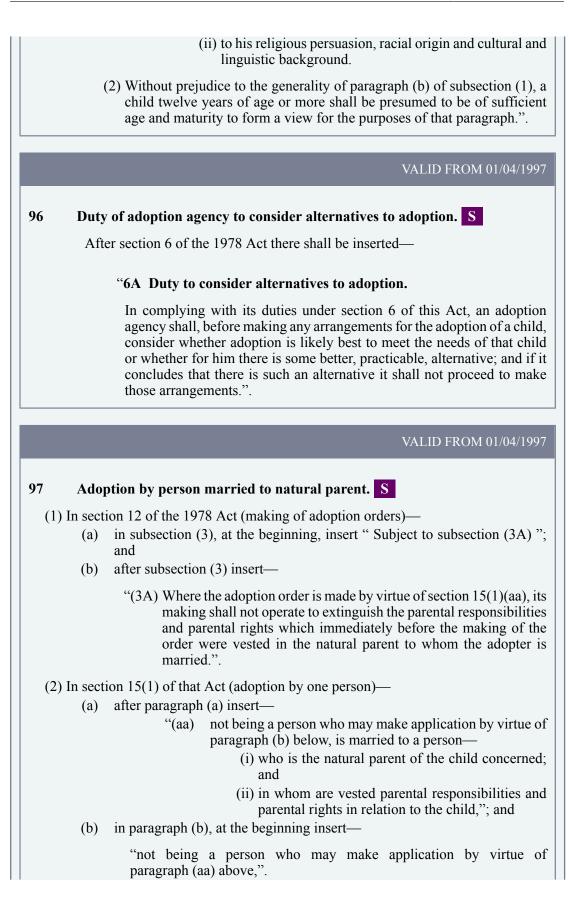
VALID FROM 01/04/1997

95 Welfare of child paramount consideration. S

For section 6 of the 1978 Act substitute-

"6 Duty to promote welfare of child.

- (1) Without prejudice to sections 12(8) and 18(8), in reaching any decision relating to the adoption of a child, a court or adoption agency shall have regard to all the circumstances but—
 - (a) shall regard the need to safeguard and promote the welfare of the child concerned throughout his life as the paramount consideration; and
 - (b) shall have regard so far as practicable—
 - (i) to his views (if he wishes to express them) taking account of his age and maturity; and



(3) In section 39 of that Act (status conferred by adoption), for subsection (1) substitute-"(1) A child who is the subject of an adoption order shall be treated in law-(a) where the adopters are a married couple, as if— (i) he had been born as a legitimate child of the marriage (whether or not he was in fact born after the marriage was constituted); and (ii) he were not the child of any person other than the adopters; (b) where the adoption order is made by virtue of section 15(1)(aa)as if-(i) he had been born as a legitimate child of the marriage between the adopter and the natural parent to whom the adopter is married (whether or not he was in fact born after the marriage was constituted); and (ii) he were not the child of any person other than the adopter and that natural parent; and in any other case, as if-(c) (i) he had been born as a legitimate child of the adopter; and (ii) he were not the child of any person other than the adopter.". 98 Further amendments of the 1978 Act; and interpretation of Part III. S (1) Schedule 2 to this Act, which contains further amendments of the 1978 Act, shall have effect. (2) In this Part of this Act, "the 1978 Act" means the ^{M1}Adoption (Scotland) Act 1978. **Commencement Information** S. 98 wholly in force at 1.4.1997; s. 98 not in force at Royal Assent see s. 105(1); s. 98(1) in force I2 for certain purposes and s. 98(2) in force at 1.11.1996 by S.I. 1999/2203, art. 3(3), Sch. (with arts. 4-7) (as amended (19.1.1997) by S.I. 1997/137, art. 2); s. 98 in force for certain purposes at 12.12.1996 by S.I. 1996/3201, art. 3(2)-(5) (with arts. 4-6 (as inserted (7.3.1997) by S.I. 1997/744,

art. 3)); s. 98 in force for certain purposes at 1.4.1997 by S.I. 1996/3201, **art. 3(7)** (with arts. 4-6) (as amended (7.3.1997) by S.I. 1997/744, **arts. 2**, 3); s. 98 wholly in force at 1.4.1998 by S.I. 1996/3201, **art. 3(7)(a)** (with arts. 4-6) (as amended (7.3.1997) by S.I. 1997/744, **arts. 2**, 3)

Marginal Citations

M1 1978 c.28.

Status:

Point in time view as at 01/11/1995. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

Children (Scotland) Act 1995, Part III is up to date with all changes known to be in force on or before 18 September 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.