



Children (Scotland) Act 1995

1995 CHAPTER 36

PART IV

GENERAL AND SUPPLEMENTAL

105 Extent, short title, minor and consequential amendments, repeals and commencement.

- (1) This Act, which subject to subsections (8) to (10) below extends to Scotland only—
 - (a) may be cited as the Children (Scotland) Act 1995; and
 - (b) except for subsections (1), (2) and (6) to (10) of this section, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint;
and different days may be appointed under paragraph (b) above for different purposes.
- (2) An order under subsection (1)(b) above may contain such transitional and consequential provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force.
- (3) The transitional provisions and savings contained in Schedule 3 to this Act shall have effect but are without prejudice to sections 16 and 17 of the ^{M1}Interpretation Act 1978 (effect of repeals).
- (4) Schedule 4 to this Act, which contains minor amendments and amendments consequential upon the provisions of this Act, shall have effect.
- (5) The enactments mentioned in Schedule 5 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (6) The Secretary of State may by order made by statutory instrument make such further amendments or repeals, in such enactments as may be specified in the order, as appear to him to be necessary or expedient in consequence of any provision of this Act.
- (7) A statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: Children (Scotland) Act 1995, Section 105 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details) View outstanding changes

- (8) Sections 18, 26(2), 33, 44, ^{F1F2}..., 93 and 104 of this Act and this section extend to England and Wales, and those sections and this section ^{F2}... also extend to Northern Ireland; but—
- (a) subsection (4) of this section so extends—
- (i) to England and Wales, only in so far as it relates to paragraphs 8, 10, 19, 31, 37, 41(1), (2) and (7) to (9), 48 to 52, 54 and 55 of Schedule 4; and
- (ii) to Northern Ireland, only in so far as it relates to paragraphs 31, 37, 41(1), (2) and (7) to (9), 54, 55 and 58 of that Schedule; and
- (b) subsection (5) of this section so extends—
- (i) to England and Wales, only in so far as it relates to the entries in Schedule 5 in respect of Part V of the ^{M2}Social Work (Scotland) Act 1968, the ^{M3}Maintenance Orders (Reciprocal Enforcement) Act 1972, section 35(4)(c) of the ^{M4}Family Law Act 1986, the ^{M5}Children Act 1989, the ^{M6}Child Support Act 1991 and the ^{M7}Education Act 1993; and
- (ii) to Northern Ireland, only in so far as it relates to the entries in that Schedule in respect of Part V of the Social Work (Scotland) Act 1968, the Maintenance Orders (Reciprocal Enforcement) Act 1972 and section 35(4)(c) of the Family Law Act 1986.
- (9) This section, so far as it relates to the repeal of Part V of the Social Work (Scotland) 1968, also extends to the Channel Islands.

^{F3F4}(10)

Subordinate Legislation Made

- P1** S. 105(1)(b) power partly exercised (24.10.1995): 1.11.1995 appointed for specified provisions by [S.I. 1995/2787, art. 3, Sch.](#)
- S. 105(1)(b) power partly exercised (22.8.1996): different dates appointed for specified provisions by [S.I. 1996/2203, art. 3, Sch.](#) (with [arts. 4-7](#)) (as amended (18.10.1996) by [S.I. 1996/2708, art. 2](#) and (19.1.1997) by [S.I. 1997/137, art. 2](#))
- S. 105(1)(b) power partly exercised (11.12.1996): different dates appointed for specified provisions by [S.I. 1996/3201, art. 3\(1\)-\(7\)](#) (with [arts. 4-6](#)) (as amended (11.12.1996) by [S.I. 1997/744, arts. 2, 3](#))
- S. 105(1) power partly exercised (20.12.2001): 22.1.2002 appointed for specified provisions by [S.S.I. 2001/475, art. 2](#)
- S. 105(1) power partly exercised (21.1.2002): 22.1.2002 appointed for specified provisions and certain purposes by [S.S.I. 2002/12 art. 2](#)

Textual Amendments

- F1** Words in s. 105(8) repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\), s. 206\(2\), sch. 6](#) (with [s. 186](#)) (as amended (30.9.2015) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), [s. 102\(3\), Sch. 5 para. 12\(10\)\(b\)](#); [S.S.I. 2015/317, art. 2, Sch.](#)); [S.S.I. 2013/195, arts. 2, 3\(e\)\(iii\)](#)
- F2** Words in s. 105(8) repealed (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\), art. 1\(2\), Sch. 2 Pt. 2](#)
- F3** S. 105(10) repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\), s. 206\(2\), sch. 6](#) (with [s. 186](#)); [S.S.I. 2013/195, arts. 2, 3](#)

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F4 S. 105(10) repealed (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), art. 1(2), [Sch. 2 Pt. 2](#)

Commencement Information

I1 S. 105 wholly in force at 1.4.1997: s. 105(1)(2)(6)-(10) in force at Royal Assent see s. 105(1); s. 105(4)(5) in force for certain purposes at 1.11.1995 by [S.I. 1995/2787](#), [art. 3](#), [Sch.](#); s. 105(3)-(5) in force for certain purposes 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](#)); s. 105(4) in force for certain purposes at 12.12.1996 by [S.I. 1996/3201](#), [art. 3\(6\)](#) (with [arts. 4-6](#) (as inserted (7.3.1997) by [S.I. 1997/744](#), [art. 3](#))); s. 105 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](#))

Marginal Citations

M1 1978 c.30.
M2 1968 c.49.
M3 1972 c.18.
M4 1986 c.55.
M5 1989 c.41.
M6 1991 c.48.
M7 1993 c.35.

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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](#))
- Act power to modify conferred by [2010 asp 8, s. 190\(2A\)](#) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)

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. 33A inserted by [2024 asp 5 s. 30\(2\)](#)
- 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\(2\)](#)