

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Naval Discipline Act 1957 (repealed), Cross Heading: *Committal into care—transfer to Scotland* is up to date with all changes known to be in force on or before 12 July 2024.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)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A]

#### POWERS OF COURT ON TRIAL OF CIVILIAN

##### Textual Amendments

**F1** Sch. 4A inserted by [Armed Forces Act 1976 \(c. 52\)](#), Sch. 4 paras. 1, 3

##### Modifications etc. (not altering text)

**C1** Sch. 4A excluded (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. **134(1)(d)(2)(3)**; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

#### *Committal into care—transfer to Scotland*

##### Textual Amendments applied to the whole legislation

**F1** Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 17 and the repeal being partly in force, as to which see individual provisions

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- (1) Where a local authority in England or Wales for the time being having the care of a person by virtue of an authorisation under paragraph 6 or 7 above are satisfied that the person's welfare would be best served by his being subject to compulsory measures of care in Scotland, the authority may refer the case to the reporter of the local authority in Scotland which they consider relevant, and if the case is so referred the reporter shall arrange a children's hearing for the consideration and determination of the case under Part III of the <sup>M1</sup>Social Work (Scotland) Act 1968, as if the reference under this sub-paragraph were a reference under Part V of that Act in respect of a care order within the meaning of the [<sup>F1M2</sup>Children and Young Persons Act 1969][<sup>F1</sup>Children Act 1989].
  - (2) Any such reference shall include particulars of the authorisation by virtue of which the local authority in England or Wales has the care of the person in question; and for the purposes of any children's hearing arranged pursuant to the reference those particulars shall be conclusive of the existence of that authorisation in relation to the person.
  - (3) Where a children's hearing is arranged under this paragraph it shall be the duty of the authority who make the reference as aforesaid to ensure the transfer of the person to the place notified to them by the reporter.

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#### **Textual Amendments**

**F1** “Children Act 1989” substituted (14.10.1991) for “Children and Young Persons Act 1969” by [Children Act 1989 \(c.41, SIF 20\)](#), s. 108(2)(4), [Sch. 12 para. 18](#); S.I. 1991/828, [art. 3\(2\)](#)

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#### **Marginal Citations**

**M1** [1968 c. 49](#).

**M2** [1969 c. 54](#).

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