
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the following provisions of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”) on 28th June 2014: section 46, paragraphs 2(1) and (6) and 7 of schedule 5 and section 98 (for the purpose of commencing those paragraphs). This Order also brings into force the following provisions of the 2014 Act on 1st August 2014: sections 47(1) and (6); 48 to 55; 57; 66; 67(1); 68 to 74; 91; 93(6); 94; 96; 97; 98 (for the purpose of commencing the following paragraphs); paragraphs 1, 2(2), (4)(b), (5)(b), 6, and 10 of schedule 5. Of the provisions commenced by this Order, the following are commenced only partially: sections 57; 66; 67(1); 68; 71; 73; 91; 93(6); 96; 98; paragraphs 2(4)(b) and 2(5)(b) of schedule 5.

Article 2(1) appoints 28th June 2014 as the day for the coming into force of section 46 and paragraphs 2(1) and (6) and 7 of schedule 5 to the 2014 Act, and so much of section 98 is as necessary for the purpose of commencing those paragraphs. Article 2(2) appoints 1st August 2014 as the day for the coming into force of the provisions mentioned in the Schedule to this Order. Some are partially commenced for restricted purposes only.

Article 3 makes transitory provision for the period between 1st August 2014 and such time as a child’s plan is prepared under Part 5 of the 2014 Act (which is not yet commenced). It provides that in relation to the obligation on an authority to seek to ensure that a record of certain matters are included in any child’s plan which is prepared for the child under Part 5 (in accordance with section 49(5)) of the 2014 Act then the obligation will be to include that information in any child’s plan prepared under regulation 5 of the Looked After Children (Scotland) Regulations 2009.

Article 4 makes transitory provision for the period between 1st August 2014 and the commencement of the provisions in Parts 12 and 13 of the 2014 Act (in so far as they are not already in force by virtue of this Order). It provides that the modifications made to section 5(1) of the Social Work (Scotland) Act 1968 (which requires local authorities to perform their functions under certain enactments under the general guidance of the Scottish Ministers) by paragraph 1(a)(ii) of schedule 5 to the 2014 Act, which include modifications relating to Parts 12 and 13 also, only have effect in relation to Part 6 (early learning and childcare) of the 2014 Act.

The Bill for the 2014 Act received Royal Assent on 27th March 2014. Section 102(1) of the 2014 Act brought into force sections 99, 100 and 101 of the 2014 Act on the day after Royal Assent. Section 102(2) of the 2014 Act brought into force subsections (2) to (5) of section 47 (duty to secure provision of early learning and childcare) so as to enable an order to be made specifying those children who are eligible for the mandatory amount of early learning and childcare.