

## SCHEDULES

### SCHEDULE 1

Section 19.

#### AMENDMENT OF CHILDREN ACT 1958

- 1 After section 1 there shall be inserted the following section—
- “1A In Scotland, without prejudice to the provisions of the Social Work (Scotland) Act 1968, it shall be the duty of every local authority to secure the welfare of children within then-area who are foster children within the meaning of this Part of this Act and, where the local authority consider such a course to be necessary or expedient for the purposes of this section, they shall cause the children to be visited from time to time by their officers, who shall give such advice as to the care and maintenance of the children as may appear to be necessary”.
- 2 (1) In section 2(1), for the words " and maintenance " to the word " month " there shall be substituted the words " is undertaken for a period of more than six days beginning with the day on which the child is received into that care ".
- (2) In section 2(3), after paragraph (e) there shall be added the following paragraph—
- “(f) who undertakes his care for a period not exceeding one month beginning with the day the child is received into that care, unless—
- (i) the person during the year immediately preceding the date of receiving into care has had the care of one or more foster children for periods which in the aggregate exceed three months, or
- (ii) the number of continuous periods which exceed six days beginning on the day of receiving into care, throughout which a particular child or any child was in the care of that person in that period of one year, exceeds three.”
- (3) Section 2(6) and (7) shall be omitted.
- 3 In section 9, after the word " foster-child " there shall be inserted the words " for reward ".

## SCHEDULE 2

Section 31.

### AMENDMENT OF PART IV OF THE CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937

#### PART I

##### *General Adaptations*

- 1 Subject to the provisions of Part II of this Schedule any reference to a child or to a young person shall be construed as a reference to a child within the meaning of Part III of the Social Work (Scotland) Act 1968.
- 2 Any reference to a court of summary jurisdiction or to a juvenile court (except in section 54) shall be construed as a reference to the sheriff sitting summarily.

#### PART II

##### *Specific Adaptations*

- 3 (1) In section 40(1) for the words "apparently under the age of seventeen years " there shall be substituted the words " who is apparently a child ".
- (2) In section 40(2) for the words " apparently under the age of seventeen years" there shall be substituted the words " who is apparently a child, " and for the words " remand home " there shall be substituted the words " place of safety other than a police station ".
- (3) After subsection (2) there shall be inserted the following subsections—
- “(3) Where a person who is apparently a child has been detained under this section and is not so liberated as aforesaid and it is decided not to proceed with the charge against him a constable shall so inform the reporter of the local authority for the area in which the child is detained, and the child may continue to be detained in a place of safety until the reporter has decided on the course that should be taken with regard to the child under the provisions of Part III of the Social Work (Scotland) Act 1968.
- (4) A child shall not continue to be detained under this section—
- (a) where the reporter considers the child does not require compulsory measures of care, or
- (b) after the day on which a children's hearing first sit to consider his case in pursuance of section 37(4) of the Social Work (Scotland) Act 1968, or
- (c) for a period exceeding seven days.”
- 4 (1) In section 41, for subsection (1) there shall be substituted the following subsection—
- “(1) Any court, on remanding or committing for trial a child who is not liberated on bail shall, instead of committing him to prison, commit him to the local authority in whose area the court is situated to be detained in a place of safety chosen by the local authority for the period for which he is remanded or until he is liberated in due course of law:

Provided that in the case of a child over fourteen years of age it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained.”

- (2) In subsection (2), for the words " young person" where first occurring there shall be substituted the words " child over fourteen years of age ", and where secondly occurring there shall be substituted the word " child ".

5 For section 43 there shall be substituted the following section—

**“43 Notice to local authority of charges against children, and duty of local authority to furnish reports and information to courts.**

(1) Where a child is to be brought before a court notification of the day and hour when, and the nature of the charge on which, the child is to be so brought shall be sent by the chief constable of the area in which the offence is alleged to have been committed, to the local authority for the area in which the court will sit.

(2) Where a local authority have received a notification under the foregoing subsection they shall make such investigations and render available to the court a report which shall contain such information as to the home surroundings of the child as appear to them will assist the court in the disposal of his case, and the report shall contain information, which the appropriate education authority shall have a duty to supply, as to the school record, health and character of the child.”

6 In section 44, after the word " child" where first occurring there shall be inserted the words " under fourteen years of age ".

7 In section 46(1) for the words " child or young person ", in both places where these words occur, there shall be substituted the words " a person under the age of seventeen years ".

8 (1) In section 47(1) the words " until he can be brought before a juvenile court" shall be omitted wherever occurring.

(2) After subsection (1) there shall be inserted the following subsection—

“(1A) A child shall not continue to be detained under the last foregoing subsection—

- (a) where the reporter considers the child does not require compulsory measures of care, or
- (b) after the day on which a children's hearing first sit to consider his case in pursuance of section 37(4) of the Social Work (Scotland) Act 1968, or
- (c) for a period exceeding seven days”.

9 In section 48, for the words " any child or young person " there shall be substituted the words " any person under the age of seventeen ", and for the words " the child or young person " there shall be substituted the words " the person ".

10 For section 50 there shall be substituted the following section—

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**“50 Child charged jointly with person who is not a child.**

When a child has been charged with an offence jointly with a person who is not a child the provisions of sections 52 to 54 of this Act and section 49 of the Children and Young Persons Act 1933 shall not apply to summary proceedings before the sheriff in respect of the charges.”

- 11 (1) In section 52(1), for the words from the beginning to the words " a juvenile court", second occurring, there shall be substituted the words—

“Where summary proceedings are brought in respect of an offence alleged to have been committed by a child the sheriff shall sit either in a different building or room from that in which he usually sits or on different days from those on which other courts in the building are engaged in criminal proceedings ; and no person shall be present at any sitting to which this subsection applies”.

- (2) For subsection (2) there shall be substituted the following subsection—

“(2) The power to make rules conferred on the High Court of Justiciary under section 76(1) of the Summary Jurisdiction (Scotland) Act 1954 shall include power to make rules as respects the procedure in cases to which the foregoing subsection applies.”

- 12 In section 53(5), for the words from the beginning to the words " juvenile court", there shall be substituted the words " Any direction in any enactment that a charge shall be brought before a juvenile court shall be construed as a direction that he shall be brought before the sheriff sitting as a court of summary jurisdiction, and no such direction ".

- 13 In section 54(1), after the word " report" there shall be inserted the words " of any summary proceedings in the sheriff court in respect of an offence by a child or ", and for the words " child or young person " in both places where these words occur there shall be substituted the words " a person under the age of seventeen years ".

- 14 In section 57(2), for the words from the beginning to " harm " there shall be substituted the words " Where a child is convicted on indictment ".

- 15 In section 58, the words from the beginning to " imprisonment or " shall be omitted and for the words from " he be committed " to the end of the section, there shall be substituted the words " the child be detained for such period, not exceeding one month, as may be specified in the order in a place chosen by the local authority in whose area the court is situated. "

- 16 After section 58 there shall be inserted the following section—

**“58A Committal for residential training.**

- (1) Where a child charged summarily before the sheriff with an offence pleads guilty to, or is found guilty of, that offence the sheriff may order the child to be committed for such period not exceeding two years as may be specified in the order to such a place as the Secretary of State may direct for the purpose of undergoing residential training, and where such an order is made the child shall during that period be liable to be detained in that place subject to such conditions as the Secretary of State may direct.

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- (2) A child detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.
- (3) Any child so detained as aforesaid may at any time be released conditionally or unconditionally by the Secretary of State, and any such child conditionally released shall be liable to recall on the directions of the Secretary of State and if he fails to comply with any condition of his release he may be apprehended without warrant and taken to the place from which he was released.”
- 17 In section 59(2), after the words "for his" there shall be inserted the words " co-operation in securing the child's ".
- 18 In section 62, for the words " an approved school" there shall be substituted the words " a residential establishment ", and in paragraph (c), for the word " school" there shall be substituted the words " residential establishment ".
- 19 In section 63(3), for the words " juvenile offenders " there shall be substituted the word " children ", and the words " under the Probation of Offenders Act 1907 " shall be omitted.
- 20 For section 67 there shall be substituted the following section—
- “67 Any court by or before which a person is convicted of having committed in respect of a child any of the offences mentioned in the First Schedule to this Act or any offence under section 21 of this Act, may refer the child to the reporter of the local authority in whose area the child resides and certify that the said offence shall be a ground established for the purposes of Part III of the Social Work (Scotland) Act 1968.”

### SCHEDULE 3

Section 33.

#### CHILDREN'S PANELS

##### *Appointment*

- 1 The Secretary of State shall appoint such number of members of children's panels for each local authority area as he considers appropriate and from among these members he shall appoint a chairman and a deputy chairman.
- 2 A member of a children's panel shall hold office for such period as is specified by the Secretary of State, but may be removed from office by the Secretary of State at any time.

##### *Children's Panel Advisory Committee*

- 3 Each local authority shall form a Children's Panel Advisory Committee consisting of two members nominated by the local authority and three members nominated by the Secretary of State at least one of whom shall be resident in the area of the local authority.
- 4 The chairman of the Children's Panel Advisory Committee shall be appointed by the Secretary of State from among the members he has nominated, and shall be resident in the area of the local authority.

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- 5 It shall be the duty of the Children's Panel Advisory Committee—
- (a) to submit names of possible panel members to the Secretary of State ;
  - (b) to advise the Secretary of State as required on the suitability of persons referred to him as possible members ; and
  - (c) to advise the Secretary of State on such matters relating to the general administration of panels as he may refer to them.

*Recruitment and Training of Panel Members*

- 6 The Secretary of State may make such arrangements as he considers appropriate to recruit and train members or possible members of children's panels.
- 7 Each local authority may make such arrangements as they consider appropriate—
- (a) to enable the Children's Panel Advisory Committee to obtain names for submission to the Secretary of State as possible panel members, and
  - (b) to train panel members or possible panel members.

*Expenses of Panel Members*

- 8 A local authority may pay the members or possible members of the children's panel and members of the Children's Panel Advisory Committee for their area such travelling, subsistence and other expenses as the Secretary of State may prescribe in regulations.

SCHEDULE 4

Section 53.

AMENDMENT OF LEGAL AID (SCOTLAND) ACT 1967

- 1 In section 1, in subsection (6), for the words " any civil proceedings " there shall be substituted the words " civil proceedings other than the proceedings mentioned in the next following subsection ", and at the end of that subsection there shall be inserted the following subsection—
- “(6A) A child or his parent shall not be given legal aid in connection with any proceedings before the sheriff or on any subsequent appeal to the Court of Session, being proceedings in respect of a decision of a children's hearing or of an application to the sheriff for a finding under the Social Work (Scotland) Act 1968, unless—
- (a) he is entitled to receive such aid by virtue of subsection (5A) of the next following section ; or
  - (b) the sheriff, in respect of proceedings before him, is satisfied that the giving of legal aid is necessary in the interests of the child and grants a legal aid certificate ; or
  - (c) it appears, in respect of an appeal to the Court of Session, that the child or his parent has substantial grounds for making the appeal and that it is reasonable that the child or his parent should receive legal aid in the particular circumstances of the case”.
- 2 (1) In section 2(1), after the words " civil proceedings " there shall be inserted the words " , other than proceedings mentioned in subsection (6A) of the foregoing section "

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and after the words " refused legal aid " there shall be inserted the words " in respect of such proceedings first mentioned ".

- (2) In subsection (2), for the words from " in connection with " to the end of the subsection there shall be substituted the words—

“shall be available in connection with—

- (a) criminal proceedings, to an accused person, and
- (b) the civil proceedings mentioned in subsection (6A) of the foregoing section, to the child or his parent,

where the court is satisfied after consideration of the financial circumstances of the accused or, as the case may be, of the child and his parent that the expenses of the case cannot be met without undue hardship to the accused or his dependants or, as the case may be, to the child or his parent, or the dependants of either”.

- (3) In subsection (3), at the end there shall be inserted the following paragraph—

“(e) in relation to civil proceedings mentioned in the said subsection (6A) the sheriff”.

- (4) In subsection (4), at the end there shall be added the following paragraphs—

“(c) in any case the sheriff has made legal aid available to a child or his parent in the civil proceedings mentioned in the said subsection (6A), the child, or, as the case may be, his parent, shall continue to be regarded as financially eligible for legal aid in connection with any subsequent proceedings on appeal to the sheriff or to the Court of Session or on remit from that Court;

(d) legal aid has not been made available to a child or his parent in such civil proceedings as aforesaid, and his case comes before the Court of Session, legal aid shall be available to him if that Court is satisfied of his financial eligibility as aforesaid.”.

- (5) After subsection (5), there shall be inserted the following subsection—

“(5A) Notwithstanding the provisions of this Act relating to legal aid in civil proceedings, such aid shall be available to a child or his parent without enquiry into his resources in any appeal under Part III of the Social Work (Scotland) Act 1968 by the child or parent against the child's detention in a place of safety while awaiting disposal of his case by a children's hearing.”

- (6) In subsection (6), at the end of the subsection there shall be added the following words " ; but the provisions of paragraphs (c), (d) and (e) of this subsection and the next following subsection shall not apply to the civil proceedings mentioned in subsection (6A) of the foregoing section or in subsection (5A) of this section ".

- 3 In section 20(1), after the word "requires—" there shall be inserted the following definition—

“the expression ' child ' has the same meaning as in Part III of the Social Work (Scotland) Act 1968 ;”and

after the definition of " member of the forces ", there shall be inserted the following definition—

“" the expression ' parent ' has the same meaning as in Part III of the Social Work (Scotland) Act 1968”.

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## SCHEDULE 5

Section 64.

## APPEAL TRIBUNALS

- 1 For the purpose of enabling appeal tribunals to be constituted as occasion may require, there shall be appointed by the Secretary of State a panel (hereafter referred to as "the panel") of persons to act when required as members of any such tribunal.
- 2 No officer of any Government department shall be qualified to be appointed to the panel.
- 3 Any person appointed to be a member of the panel shall hold office for such period and subject to such conditions as may be determined by the Secretary of State.
- 4 Where any appeal is required to be determined by a tribunal constituted in accordance with this Schedule, the tribunal shall consist of a sheriff (or, if he is unable to act, a person qualified for appointment as sheriff nominated by the Lord President of the Court of Session), who shall be chairman, and two other members being impartial persons who shall be appointed from the panel by the Secretary of State.
- 5 The Secretary of State may—
- (a) pay to members of tribunals constituted as aforesaid such fees and allowances as he may with the consent of the Treasury determine,
  - (b) defray the expenses of such tribunals up to such amounts as he may with the like consent determine.
- 6 (1) The Secretary of State may make rules—
- (a) as to the tenure of office of members of the panel,
  - (b) as to the procedure of tribunals and the procedure in connection with the bringing of matters before a tribunal, and as to the time within which matters may be brought before tribunals,
  - (c) as to the payment by the Secretary of State to persons attending proceedings before tribunals of travelling and other allowances (including compensation for loss of remunerative time).
- (2) The power under this paragraph to make rules as to procedure includes power to make provision as to the representation of one person in any proceedings by another person.
- 7 In this Schedule the expression "sheriff" does not include a sheriff-substitute, and means the sheriff of the county in which the establishment to which the appeal relates is situated or is proposed to be established.

## SCHEDULE 6

Section 84.

## TRANSFER OF ASSETS AND LIABILITIES

- 1 Every agreement to which the transferor was a party immediately before the date of transfer shall have effect as from that date in favour of or against the transferee as if the transferee had been a party to the agreement instead of the transferor.
- 2 Where the functions of the transferor are transferred to more than one transferee the property, rights, liabilities and obligations of the transferor shall be allocated



- in such a manner as relates to the allocation of the functions transferred to each of the transferees.
- 3 Any legal or other proceedings to which the transferor is a party which are pending on the date of the transfer may be continued on or after that date as if the transferee instead of the transferor had been that party.
- 4 The Secretary of State may make regulations for facilitating the transfer of any property, rights, liabilities or obligations in pursuance of this Act.
- 5 In this Schedule—
- (a) "transferor" means a body or person from whom a function has been transferred under this Act and from whom any property, right, liability or obligation has been so transferred, and
  - (b) " transferee " means a local authority to whom a function or any property, right, liability or obligation has been so transferred,
- and " transfer of function " includes the giving of a function to a local authority which was previously performed by another body including another local authority.

## SCHEDULE 7

Section 93.

### TRANSITIONAL PROVISIONS

#### *Registration of existing establishments*

- 1 (1) Until the expiration of a period of two years beginning with the commencement of Part IV of this Act, or until registration is effected or refused under the said Part IV, whichever of those three events first occurs—
- (a) a registration in respect of any establishment under any enactment repealed by this Act shall for the purposes of this Act be deemed to be a registration kept by a local authority under section 63 thereof, and
  - (b) a registration in respect of any establishment (other than an approved school) not required under any enactment immediately before the said commencement but required thereafter shall for the purposes of this Act be deemed to be kept as aforesaid by a local authority so long as there is no change of user.
- (2) Notwithstanding the coming into operation of the said Part IV, the provisions of the said Part shall not apply in relation to approved schools until the commencement of Part III of this Act and thereafter, until the expiration of a period of two years beginning with the said commencement or until registration is effected or refused under the said Part IV, whichever of these three events first occurs, a registration in respect of an approved school required under the said Part IV shall, subject to the provisions of the next following paragraph, be deemed to be kept by the Secretary of State under that Part.
- (3) Before the expiration of the period of two years mentioned in either of the two foregoing sub-paragraphs, the persons responsible for the management of any establishment deemed to be registered as aforesaid shall, if they intend the establishment to continue for the purposes in respect of which it is so deemed, make application for registration in accordance with the provisions of the said Part IV.

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*Approved schools*

- 2 (1) The following enactments shall, notwithstanding the repeal or exclusion by this Act of any such enactment, continue to have effect, with any necessary modifications, in relation to establishments which were approved schools immediately before the commencement of Part III of this Act until such time as the Secretary of State otherwise directs, either generally or in regard to any particular establishment—
- (a) the Children and Young Persons (Scotland) Act 1937: sections 83(2) and (3) and 85(1), (2)(a) and (c) (surrender of certificate of approval of approved school and classification and administration etc. of approved schools); section 107(1)(a)(i) and (b) and (2) (exchequer grants and expenses of the Secretary of State);
  - (b) the Criminal Justice (Scotland) Act 1963: sections 21 and 22 (directions as to management of approved schools and constitution of managers).
- (2) Until such time as the Secretary of State makes a direction under sub-paragraph (1) of this paragraph in respect of an establishment the payments made by a local authority under this Act in respect of the expenses of carrying on the establishment shall be at such rate as the Secretary of State shall from time to time prescribe.
- (3) Until such time as aforesaid any contributions or sums received by a local authority by virtue of any order or decree made under Part VI of this Act, or deemed to be so made, in respect of a child in an establishment shall be paid to the Secretary of State, but subject to such deductions in respect of the services rendered by the authority as may be prescribed.

*Contributions in respect of children taken into care*

- 3 After the commencement of Part II of this Act and until the commencement of Part VI thereof, Part III of the Children Act 1948 shall have the like effect in relation to children taken into care under section 15 of this Act as it had in relation to children taken into care under section 1 of that Act.

*Approved school orders, fit person orders, and supervision orders*

- 4 (1) This paragraph applies to children who immediately before the commencement of Part III of this Act were in any of the following classes, that is to say children who are—
- (a) subject to an approved school order,
  - (b) committed to the care of a fit person under an order of a court,
  - (c) under a supervision order,
  - (d) subject to an order of committal to custody in a remand home.
- (2) Subject to the next following sub-paragraph, a child to whom this paragraph applies shall, on the coming into operation of the said Part III, continue to be subject to any such order as aforesaid, and any provision of any enactment applying to the operation of the order and the treatment of the child shall, notwithstanding the repeal or exclusion by this Act of any such provision, continue so to apply.
- (3) It shall be the duty of such local authorities as may be prescribed by the Secretary of State, by such date, and in such circumstances and in such cases as may be so prescribed to arrange for children to whom this paragraph applies to be brought before a children's hearing for the consideration and disposal of their cases under

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Part III of this Act, and on the disposal of a case the order relating to the child shall cease to have effect.

- (4) The provisions of the last foregoing sub-paragraph shall apply in the case of a child over the age of sixteen years who has not attained the age of eighteen years, but where a child has attained the age of eighteen years, on such date as the Secretary of State may prescribe, the order relating to the child shall cease to have effect.

#### *Jurisdiction of courts*

- 5 (1) Subject to the next following sub-paragraph, on the commencement of Part III of this Act, for the purpose of continuing the jurisdiction of courts in respect of children and young persons who before the said commencement have been charged with an offence, and in respect of children and young persons whose cases have been disposed of but where the courts have continuing functions at the time of that commencement arising from the form of disposal, the provisions of any enactment relating to those courts and cases in them shall, notwithstanding the repeal or exclusion by this Act of any such provisions, continue to have effect in relation to those courts and to those cases.
- (2) In the case of a juvenile court constituted under section 51 of the Children and Young Persons (Scotland) Act 1937, the provisions of the foregoing sub-paragraph shall apply until such time as the Secretary of State otherwise directs, and on any such direction being made any question arising from the imposition of an order of such a court shall be dealt with by the sheriff having jurisdiction in the former area of that court as if the order had been made by him.
- 6 On the coming into operation of the said Part III the jurisdiction of a juvenile court in relation to the care and protection of children shall cease, and any case of a child under the age of sixteen years which was before the court under that jurisdiction immediately before the said commencement shall stand referred to the reporter of the local authority in whose area the child is ordinarily resident, or, where his ordinary residence is not known or is furth of Scotland, to the reporter of the local authority in whose area the circumstances arose which brought his case before the court.

#### *Remand Home Grant*

- 7 Until such time as the Secretary of State may direct, section 107(a)(iii) of the Children and Young Persons (Scotland) Act 1937 shall continue to have effect.

#### *Probation Grant*

- 8 Until such time as the Secretary of State may by order direct, section 75(3)(a) and (b), (4) and (5) of the Criminal Justice (Scotland) Act 1949 shall continue to have effect.

#### *Interpretation*

- 9 In this Schedule the following expressions have the meanings assigned to them—  
" approved school " means a school approved under section 83 of the Children and Young Persons (Scotland) Act 1937.  
" approved school order " has the meaning assigned to it by section 110(1) of the said Act of 1937.

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" remand home " has the meaning assigned to it by section 78(1) of the Criminal Justice (Scotland) Act 1949.

" supervision order " has the meaning assigned to it by section 72 of the said Act of 1949.

## SCHEDULE 8

Section 95(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Criminal Appeal (Scotland) Act 1926*

- 1 In section 9(4)(d), for the words " remand home " and " home " there shall be substituted the words " place of safety ".

#### *Children and Young Persons Act 1933*

- 2 In section 70(2), in the proviso, after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ", and after the words " probation order " there shall be inserted the words " or supervision requirement ".
- 3 In section 76(1B), after the words " probation order " there shall be inserted the words " or supervision requirement " and after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ".
- 4 In section 90(6), after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ", and after the words " probation order " there shall be inserted the words " or supervision requirement ".
- 5 In section 107(1), after the definition of " street" there shall be inserted the following definition—  
     "supervision requirement " has the same meaning as in the Social Work (Scotland) Act 1968 ;",

#### *Children and Young Persons (Scotland) Act 1937*

- 6 In section 38(3), for the words " an approved school " there shall be substituted the words " a residential establishment where education is provided ".
- 7 (1) In section 87(1), for the words from " to an approved school" to the end of the subsection there shall be substituted the words " to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in England or Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were authority for his detention for a period not exceeding the period for which he might be detained under the approved school order or, as the case may be, the training school order made in respect of him ".
- (2) In section 87(2) to (4), any reference to an approved school in Scotland shall be construed as a reference to a place in respect of which the Secretary of State has made, or may make, a direction under subsection (1).

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- (3) In section 87(3), the words from " approved school as " to the end of the subsection shall be omitted, and there shall be substituted the words " to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order were an order for committal for residential training made under section 58A of this Act made upon the same date ".
- 8 After section 101(2) there shall be inserted the following subsection—
- “(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the Social Work (Scotland) Act 1968.”
- 9 (1) In section 103(1), for the words " whether charged with an offence or not" there shall be substituted the words " charged with an offence ".
- (2) After subsection (1), there shall be added the following subsection—
- “(1A) The court in making any inquiry in pursuance of the last foregoing subsection shall have regard to the application for the provisions of section 30(1) of the Social Work (Scotland) Act 1968 but an order or judgment of the court shall not be invalidated by any subsequent proof that the court was not informed that at the material time the person was subject to a supervision requirement or that his case had been referred to a children's hearing under Part V of that Act.”.
- (3) After subsection (4), there shall be added the following subsection—
- “(5) In subsections (1) and (2) of this section, references to a child or young person charged with an offence shall be construed as references to a child within the meaning of section 30(1) of the Social Work (Scotland) Act 1968.”.
- 10 In section 110(1), in the definition of "Child ", for the words "Part III" there shall be substituted the words " Parts III and IV "; and for the definition of " Place of safety " there shall be substituted the following definition—
- “Place of safety ' has the same meaning as in the Social Work (Scotland) Act 1968;”
- “Residential establishment ' has the same meaning as in the Social Work (Scotland) Act 1968.”
- National Health Service (Scotland) Act 1947*
- 11 (1) In section 15(1), after paragraph (f) there shall be inserted the following paragraph—
- “(g) the provision of any of the services which a local authority are required to provide under the Social Work (Scotland) Act 1968 ;”.
- (2) In subsection (4), after the words " education authorities" there shall be inserted the words " or any of the social work services which local authorities "; and after the words " education authority " there shall be inserted the words " or local authority ".
- 12 In section 27, at the end there shall be added the following subsection—
- “(4) On the coming into operation of section 1(4) of the Social Work (Scotland) Act 1968, a local health authority shall not perform any function under

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    this section which may be performed by a local authority by virtue of that section.”.

- 13      In section 63, after the words " foregoing section " there shall be inserted the words " or any local authority within the meaning of the Social Work (Scotland) Act 1968 ".

*National Assistance Act 1948*

- 14      In section 32(1), at the end there shall be inserted the words " , and in this subsection any reference to another local authority includes a reference to a local authority in Scotland ".

- 15      After section 41(1), there shall be inserted the following subsection—

    “(1A) The foregoing subsection shall, in relation to Scotland, have effect as if for the words from " to whom section " to the end of the subsection there were substituted the words " who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury or such other disabilities as may be prescribed by the Minister.”.

- 16      In section 65, at the end, there shall be added the following paragraph—

    “(f) any reference however expressed to accommodation provided under Part III thereof shall be construed as a reference to accommodation provided under Part IV of the Social Work (Scotland) Act 1968”.

*Children Act 1948*

- 17      (1) In section 1(4), after the words "Secretary of State", there shall be inserted the words " and in this subsection any reference to another local authority includes a reference to a local authority in Scotland ".

- (2) In subsection (5), after the words "probation order", there shall be inserted the words " or supervision requirement ", and after the words " 1937", there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ".

- 18      In section 13(1), at the end, there shall be inserted the words " and arrangements may be made under this subsection for boarding out a child in Scotland, or for maintaining him in a residential establishment provided, or the provision of which is secured, or which is registered, under Part IV of the Social Work (Scotland) Act 1968 ".

- 19      In section 59(1), after the definition of " relative " there shall be substituted the following definition—

    “' supervision requirement ' has the same meaning as in the Social Work (Scotland) Act 1968”.

*Nurseries and Child-Minders Regulation Act 1948*

- 20      In relation to Scotland, any reference to a local health authority wherever occurring, shall be construed as a reference to a local authority within the meaning of the Social Work (Scotland) Act 1968.

*Criminal Justice Act 1948*

- 21      In section 9, at the end there shall be added the following subsection—

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“(9) A probation order shall not be made under section 3 of this Act as modified by subsection (1) of this section, or amended under subsection (2) of this section in respect of a person who has not attained the age of sixteen.”

*Criminal Justice (Scotland) Act 1949*

22 (1) In section 2, for subsection (2) there shall be substituted the following subsection—

“(2) A probation order shall be in the form prescribed by Act of Adjournal, and shall name the local authority area in which the offender resides or is to reside and the order shall make provision for the offender to be under the supervision of an officer of the local authority of that area, or, where the offender resides or is to reside in a local authority area in which the court has no jurisdiction, the court shall name the appropriate court (being such a court as could have been named in any amendment of the order in accordance with the provisions of Schedule 2 to this Act) in the area of residence or intended residence and the court last mentioned shall require the local authority for that area to arrange for the offender to be under the supervision of an officer of that authority.”

(2) In subsection (4), for the words "the probation officer or officers nominated " there shall be substituted the words " an officer of the local authority ".

(3) In subsection (6), in the proviso, in paragraph (b), for the words from " an approved " where first occurring to " other " there shall be substituted the word " any ".

(4) In subsection (8), for the words from "probation officer" to the end of the subsection there shall be substituted the words " officer of the local authority who is to supervise the probationer, to the probationer, and to the person in charge of any institution or place in which the probationer is required to reside under the probation order ".

23 In section 3, in subsections (4) and (6), for the words " the probation officer or officers " there shall be substituted the words " any officer ".

24 In section 5(1), for the words "the probation officer named in the probation order" there shall be substituted the words " the officer supervising the probationer ".

25 For section 8(1) there shall be substituted the following subsection—

“(1) Any court may, on making a probation order under this Part of this Act, if it thinks that such a course is expedient for the purpose of the order, require the offender to give security for his good behaviour.”.

26 In section 9(1), for the word " seventeen" there shall be substituted the word " sixteen ".

27 In section 10, for the words " a probation officer " there shall be substituted the words " an officer of a local authority ", for the words "other than a juvenile court" there shall be substituted the words " other than a court whose procedure is regulated by rules made under section 52(2) of the Children and Young Persons (Scotland) Act 1937) ", and for the word " seventeen " there shall be substituted the word " sixteen ".

28 (1) In section 28(1), for the paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) if he is under 16 years of age the court shall commit him to the local authority in whose area the court is situated, and the authority shall

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have the duty of placing him in a suitable place of safety chosen by the authority ;

- (b) if he is a child of over 16 years of age, or a child under 16 years of age but over fourteen years of age who is certified by the court to be unruly or depraved, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre;”.

(2) For subsections (3) and (4), there shall be substituted the following subsections—

“(3) Where any person is committed to a local authority or to a remand centre under any provision of this Act that authority or centre shall be specified in the warrant, and he shall be detained by the authority or in the centre for the period for which he is committed or until he is liberated in due course of law.

(4) Where any person has been committed to a local authority under any provision of this Act, the court by which he was committed, if the person so committed is not less than fourteen years of age and it appears to the court that he is unruly or depraved, may revoke the commitment and commit the said person—

- (a) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and
- (b) if the court has not been so notified, to a prison”.

(3) After subsection (4) there shall be inserted the following subsection—

“(5) Where in the case of a person under sixteen years of age who has been committed to prison or to a remand centre under this section, the sheriff is satisfied that his detention in prison or a remand centre is no longer necessary, he may revoke the commitment and commit the person to the local authority in whose area the court is situated, and the authority shall have the duty of placing him in a suitable place of safety.”

29 In section 30(1), in the subsection substituted thereby for section 9(4) of the Criminal Appeal (Scotland) Act 1926, in paragraph (d) for the words " remand home " and " home " there shall be substituted the words " place of safety ".

30 In section 78(1), after the definition of "large burgh and small burgh ", there shall be added the following definitions—

“' local authority ' has the same meaning as in the Social Work (Scotland) Act 1968 ;

' place of safety' has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

31 (1) In Schedule 2—

- (a) for any reference to a probation officer there shall be substituted a reference to an officer supervising the probationer;
- (b) for any reference to a probation area or a probation committee of a probation area or to the clerk of such a committee, there shall be respectively substituted references to the area of a local authority, a local authority and the director of social work of that area.



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- (2) In paragraph 2(1), for the words from "and which shall" to the end of the sub-paragraph, there shall be substituted the words " and shall require the local authority for that other area to arrange for the probationer to be under the supervision of an officer of that authority. ".
- (3) In paragraph (4)(a), for the words from " the probation officer " to " salaried probation officers " there shall be substituted the words " the local authority named in the order, the local authority ".

#### *Maintenance Orders Act 1950*

- 32 In section 8(1), after the words "the Children Act 1948" there shall be inserted the words " or section 81 of the Social Work (Scotland) Act 1968 ".
- 33 (1) In section 9, in subsection (1), after paragraph (a) there shall be inserted the following paragraph—
  - “(aa) for a contribution order under section 80 of the Social Work (Scotland) Act 1968 (enforcement of duty to make contributions by parents in respect of their children while in the care of a local authority under Part II of that Act or under a supervision requirement);”.
- (2) In subsection (2) after the words " forty-three ", there shall be inserted the words " or the said section 80 ".
- 34 In section 16(2)(b), after sub-paragraph (v) there shall be inserted the following sub-paragraph—
  - “(vi) a contribution order under section 80 of, or a decree or an order made under section 81 of, the Social Work (Scotland) Act 1968 ;”.

#### *Children and Young Persons Act 1956*

- 35 Any reference to the Children and Young Persons (Scotland) Act 1937, however expressed, or to any provision of that Act shall be omitted.

#### *Valuation and Rating (Scotland) Act 1956*

- 36 (1) In section 8(1) in paragraph (b) after the word " authority ", there shall be inserted the words " or to a local authority ".
- (2) For paragraph (c), there shall be substituted the following paragraph—
  - “(c) of any structure belonging to a local authority or voluntary organisation being a local authority or a voluntary organisation within the meaning of the Social Work (Scotland) Act 1968 and supplied in pursuance of arrangements made under the Social Work (Scotland) Act 1968 for the use of any persons who are blind, deaf and dumb or who suffer from mental disorder of any description and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may be prescribed by the Secretary of State under that Act;”.

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*Adoption Act 1958*

- 37 In section 4(3), paragraph (b) shall be omitted, and after paragraph (c) there shall be inserted the following paragraph—
- “(d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland).”.
- 38 In section 15(4), for the words " (which provides " there shall be substituted the following words " or section 16 of the Social Work (Scotland) Act 1968 (which sections provide " .
- 39 In section 36(2)(a), for the words " or section ninety" to " 1937 " there shall be substituted the words " or section 78 of the Social Work (Scotland) Act 1968 " .
- 40 In section 43(3), after the word " 1948 " there shall be inserted the words " or, as the case may be, section 15 of the Social Work (Scotland) Act 1968 and for the words " that section " there shall be substituted the words " the said section 1 or, as the case may be, the said section 15 " .
- 41 In section 57, in the definition of "place of safety", at the end there shall be inserted the following words " and in Scotland has the same meaning as in the Social Work (Scotland) Act 1968 ; " .

*Matrimonial Proceedings (Children) Act 1958*

- 42 In section 10, for subsection (4) there shall be substituted the following subsection—
- “(4) On the making of an order under this section committing the care of a child to a local authority, Part II of the Social Work (Scotland) Act 1968 (which relates to the treatment of children in care of local authorities) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section 15 of that Act, so however that—
- (a) the exercise by the local authority of their powers under or by virtue of sections 5, 20 to 22, 59 and 60 of that Act shall be subject to any directions given by the court; and
- (b) section 23 of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.”.
- 43 (1) In section 11(1), for the words "for the purpose" to " section " there shall be inserted the words " , not being an officer of the local authority for the purpose, appoint an appropriate local authority " , and at the end of the subsection there shall be inserted the following subsection—
- “(1A) In this section " local authority " has the same meaning as in the Social Work (Scotland) Act 1968”.
- (2) In subsection (5), for the words " designated officer " there shall be substituted the words " local authority or other person appointed " .

*Children Act 1958*

- 44 (1) In section 2(3)(b), for the words from "Part VI" to " 1937 " there shall be substituted the words " in any residential establishment within the meaning of the Social Work (Scotland) Act 1968 " .

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- (2) In subsection (4), after the words " probation order", there shall be inserted the words " or supervision requirement " .
- 45 (1) In section 6(b), after the words " 1937 " there shall be inserted the words " or a supervision requirement has been made under the Social Work (Scotland) Act 1968 "; and after the words " an order", second occurring, there shall be inserted the words " or a requirement " .
- (2) In paragraph (d), after the words " 1948 " there shall be inserted the words " or under section 16 of the Social Work (Scotland) Act 1968 ; " .
- (3) In paragraph (e), after the words " local health authority " there shall be inserted the words " or in Scotland a local authority " .
- 46 In section 7(4), after the words " section 1 of the Children Act 1948 " there shall be inserted the words " or, as the case may be, Part II of the Social Work (Scotland) Act 1968 " .
- 47 (1) In section 17, in the definition of " place of safety ", after the word " child " there shall be inserted the words " and, in Scotland, has the same meaning as in the Social Work (Scotland) Act 1968, " .
- (2) After the definition of " relative " there shall be inserted the following definitions—  
    “ residential establishment ' has the same meaning as in the Social Work (Scotland) Act 1968 ;  
    ' supervision requirement ' has the same meaning as in the Social Work (Scotland) Act 1968 ;” .

#### *Mental Health Act 1959*

- 48 In section 10(1)(a), after head (iii) there shall be inserted the following head—  
    “or  
        (iv) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland)” .
- 49 In section 50, after paragraph (c), there shall be inserted the following paragraph—  
    “or  
        (d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland) ", and after the word " three " there shall be inserted the words " or subsection (2) of the said section 17” .

#### *Mental Health (Scotland) Act 1960*

- 50 Subject to any specific amendment any reference to a local health authority, wherever occurring except in relation to section 7(1), shall be construed as a reference to a "local authority" within the meaning of the Social Work (Scotland) Act 1968.
- 51 (1) In section 7(1), after the words " shall include ", there shall be inserted the words " the ascertainment of mental deficiency in any person not of school age within the meaning of the Education (Scotland) Act 1962 .

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- (1A) In relation to the aforesaid persons the purpose for which arrangements are authorised or required to be made by a local authority under the said section 27(1) as read with section 1(4) of the Social Work (Scotland) Act 1968 shall include the following, that is to say—” ; and paragraph (e) shall be omitted ”.
- (2) In subsection (2) for " (1) " where secondly occurring there shall be substituted the word " (1A) ".
- 52 In section 10(1) in paragraph (a) after head (iii) there shall be inserted the following head—
- “or
- (iv) section 17 of the Social Work (Scotland) Act 1968 ;”.
- 53 In section 30(2), for the words " to the local health authority " there shall be substituted the words " in the case of a guardianship application, to the medical officer of the local authority ".
- 54 In section 46, for paragraph (c), there shall be substituted the following paragraphs—
- “(c) section 17 of the Social Work (Scotland) Act 1968 (which relates to children in respect of whom parental rights have been assumed under section 16 of that Act); and
- (d) section 3 of the Children Act 1948 (which makes corresponding provisions in England and Wales)”.
- and after the words " by virtue of " there shall be inserted the words " subsection (2) of the said section 17 or
- 55 In section 57(3)(b), after the word "child", there shall be inserted the words " under sixteen years of age ".
- 56 In section 59(1) for the word " home " there shall be substituted the words " residential establishment ", and for the words " under Part II of the Children Act 1948 " there shall be substituted the words " under Part IV of the Social Work (Scotland) Act 1968 ".
- 57 In section 66(7), for paragraph (a) there shall be substituted the following paragraph—
- “(a) to a person detained in pursuance of any sentence or order for detention made by a court in criminal proceedings (other than an order under section 63 of this Act, or under subsection (3) of section 3 of the Criminal Appeal (Scotland) Act 1926, or under any enactment to which section 64 of this Act applies);”.
- 58 In section 72(1).—
- for the definition of " guardian " there shall be substituted the following definition—
- “" guardian " in relation to a child has the same mean-as in the Social Work (Scotland) Act 1968”;
- in the definition of " place of safety " for the words " and in relation to a child " to the end there shall be substituted the words—
- “and in relation to a child means a place of safety within the meaning of the Social Work (Scotland) Act 1968”.

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after the definition of " place of safety " there shall be added the following definition—

““ residential establishment " has the same meaning as in the Social Work (Scotland) Act 1968”.

59 In section 111, after the definition of "hospital order" there shall be inserted the following definition—

““ local authority " has the same meaning as in the Social Work (Scotland) Act 1968”.

*Health Visiting and Social Work (Training) Act 1962*

60 In section 3(5), after " 1948 ", insert " or under any re-enactment of any of the provisions of the said Parts of the said Acts of 1947 and 1948 contained in Part II of the Social Work (Scotland) Act 1968. ".

*Education (Scotland) Act 1962*

61 In section 36(3), for the words from "if satisfied" to the end of the subsection there shall be substituted the words " refer the child to the reporter of the appropriate local authority. ".

62 (1) In section 44(1), for the words from "that the child be brought" to the end of the subsection there shall be substituted the words " that the case be referred to the reporter of the appropriate local authority and if so referred, shall certify the said failure as a ground established for the purposes of Part III of the Social Work (Scotland) Act 1968. ".

(2) In subsection (2), for the words from " direct" to " juvenile court" there shall be substituted the words " make a direction ".

63 In section 65(1), (3), (4) and (5), for the words "the local health authority" wherever occurring there shall be substituted the words " the local authority ".

64 In section 66(1), for the words " the local health authority " there shall be substituted the words " the local authority ".

65 In section 85(5)(c), from the beginning to " 1937 " there shall be substituted the words " the persons responsible for the management of an establishment or residential establishment within the meaning of the Social Work (Scotland) Act 1968 and the certificated teachers employed therein in the provision of primary, secondary or further education ".

66 In section 141(2), after paragraph (c), there shall be added the following paragraph—

“(d) any child subject to a supervision requirement requiring him to reside in a residential establishment where education is provided”.

67 In section 145, there shall be inserted the following definitions—

(a) after definition (41) there shall be inserted—

“(41A) " residential establishment" has the same meaning as in the Social Work (Scotland) Act 1968 ;”

(b) in definition (42), for the words from " not include " to the end of the definition there shall be substituted the words " an establishment or

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residential establishment within the meaning of the Social Work (Scotland) Act 1968

(c) after definition (46) there shall be inserted—

“(46A) "supervision requirement" has the same meaning as in the Social Work (Scotland) Act 1968 ;”

*Children and Young Persons Act 1963*

68 In section 55, the words from " section 88(5)" to " Scottish Act" shall be omitted and after " 1948 " there shall be inserted the words " or section 23 of the Social Work (Scotland) Act 1968 ".

69 (1) In section 57(2), any reference to a juvenile court shall, in relation to Scotland, be construed as a reference to the sheriff sitting summarily in respect of an offence by a child.

(2) In section 57(3), in paragraph (a), for the words from " a juvenile court", second occurring, to " that Act" there shall be substituted the words " a sheriff court where that court is sitting in any summary proceedings in respect of an offence by a child. "

*Criminal Justice (Scotland) Act 1963*

70 In section 1(4), for the word " seventeen " there shall be substituted the word " sixteen ".

71 In section 7(1), for the word "fourteen" there shall be substituted the word " sixteen ".

72 In section 29, for the words " approved school " there shall be substituted the words " detained in any place under an order made by virtue of section 57 or 58A of the Children and Young Persons (Scotland) Act 1937 ".

*Registration of Births, Deaths and Marriages (Scotland) Act 1965*

73 (1) In section 15, in subsections (1) and (3), for the words "children's officer" there shall be substituted the words " director of social work ".

(2) In subsection (4), for the words " Children and Young Persons (Scotland) Act 1937 " there shall be substituted the words " Social Work (Scotland) Act 1968 ".

*Family Allowances Act 1965*

74 (1) In section 11(1), in paragraph (a) after the word " authorised", there shall be inserted the words " or, as the case may be, his or her residence in a residential establishment is required ", after paragraph (a)(ii) there shall be inserted the following head—

“or

(iii) by a supervision requirement made under section 44 of the Social Work (Scotland) Act 1968;”,

and after the words " the school", there shall be inserted the words " or, as the case may be, the residential establishment ", , and in paragraph (b), for the words " the said Act of 1937 " there shall be substituted the words " the Children and Young Persons (Scotland) Act 1937 " and after paragraph (b) there shall be inserted the following paragraph—

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“(bb) during which the child is liable to undergo residential training under committal by virtue of section 58A of the said Act of 1937 and is not released under that section;”,

and after paragraph (c) there shall be added the following paragraph—

“(cc) during which the child is accommodated by virtue of rules made by the Secretary of State under section 45 of the Social Work (Scotland) Act 1968”.

(2) In subsection (3), after the words " 1948 " there shall be inserted the words " or, under section 16(1) of the Social Work (Scotland) Act 1968 ", and in the proviso thereto, after the words " 1948 " there shall be inserted the words " or of sections 17 or 18 of the said Act of 1968 ".

(3) After subsection (6) there shall be added the following subsection—

“(7) In subsection (1) of this section as amended by the Social Work (Scotland) Act 1968 the expressions 'residential establishment' and ' supervision requirement' have the meanings assigned to them by section 94 of that Act.”.

## SCHEDULE 9

Section 95(2).

### ENACTMENTS REPEALED

#### PART I

##### *Repeals Extending to Scotland Only*

Session and Chapter	Short Title	Extent of Repeal
<a href="#">1 Edw. 8 &amp; 1 Geo. 6. c. 37.</a>	The Children and Young Persons (Scotland) Act 1937.	<p>In section 21(2), the words from " may take " to the end of the subsection.</p> <p>In section 42(1), the words " or is for any other reason brought before a court" and in subsection (2), the words " or taken to a place of safety " and the words " or the person by whom he is taken to the place of safety, as the case may be ".</p> <p>In section 47(1) the words " until he can be brought before a juvenile court", wherever occurring.</p> <p>In section 49(1), the words " either as being in need of care or protection or", the</p>

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Session and Chapter	Short Title	Extent of Repeal
		<p>words " or otherwise ", and the words " and for securing that proper provision is made for his education and training "</p> <p>Section 49(2).</p> <p>Section 51.</p> <p>Section 53(2) and (3).</p> <p>Section 59(1) and in subsection (4), the words "under this section, or ".</p> <p>Sections 60 and 61.</p> <p>In section 63(3) the words "under the Probation of Offenders Act 1907 ".</p> <p>Sections 65 and 66.</p> <p>Sections 68 to 86.</p> <p>Sections 88 to 98.</p> <p>Section 101(5) and (6).</p> <p>Section 106.</p> <p>Section 107(1)(a). and (2).</p> <p>Section 109.</p> <p>In section 110(1)—  the following  definitions—</p> <p style="padding-left: 40px;">" Approved school  ",  " Approved school order "  " Headmaster "  " In need of care or protection "  in the definition of " Justice " the words " (except in section 51 of this Act) "  and the definition of " Managers ".</p> <p>In section 110, in subsection (3)(a)(ii) the words " and the juvenile court for any area " and subsection (3)(a)(iv).</p>



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Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Section 111. Section 112. Schedule 2 Schedule 3. Section 21. Section 22(1). Sections 23 and 24. Section 26(1) and (5). Section 27. Sections 29 and 30. Section 32. Sections 34 to 40. Section 50(3). Section 58(1) and (4).
11 & 12 Geo. 6. c. 43. 12, 13 & 14 Geo. 6. c. 94.	The Children Act 1948. The Criminal Justice (Scotland) Act 1949.	The whole Act. Section 2(3) and (9). Section 4(2) and (3). Section 5(3). In section 7, in subsection (2), the words from " to omit" to " and", and in subsection (4), the words " to (3)". Sections 11 to 13. In section 28, subsection (2), and in subsection (3), the words " a remand home or " and the words "home or". Sections 50 and 51. Sections 69 to 73. In section 75, subsections (1) (a), (3)(a) to (d) and (4) to (6). In section 78, in subsection (1)— in the definition of " appropriate court" " the words " or supervision"; and the

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Session and Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 37.	The Maintenance Orders Act 1950.	<p>words " or person under supervision "; and the following definitions— " Approved probation hostel " and " Approved probation home "; " Approved school "; " Remand home "; " Salaried probation officer "; in the definition of " sentence ", the words from " an order for custody " to the end of the definition; the following definitions— " Supervision order "; " Voluntary probation officer "; " Whole-time probation officer "; and " Young person ".</p> <p>Schedule 1.</p> <p>In Schedule 2, in paragraph 2, in sub-paragraph (3), the words " appointed by the appropriate court," in sub-paragraph (4)(b), the words " named therein ", in paragraph 3(b) the words "an approved probation hostel or home or in " and the word " other " and paragraph 7.</p> <p>Schedule 3.</p> <p>Schedule 1, so far as relating to to the modification of the Children and Young Persons (Scotland) Act 1937.</p>

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Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	Section 18(1) to (3A). In section 32, in subsection (3), the words "who is not less than seventeen years of age ", and subsection (4).
4 & 5 Eliz. 2. c. 24.	The Children and Young Persons Act 1956.	The whole Act.
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956.	In section 1(1)(d), the words from " or " to " 1949 ".
6 & 7 Eliz. 2. c. 40.	The Matrimonial Proceedings (Children) Act 1958.	Section 11(2) and (3). In section 12(1), the words of a probation officer or ", and section 12(3).
6 & 7 Eliz. 2. c. 65.	The Children Act 1958.	Section 1. Section 2(6) and (7).
7 & 8 Eliz. 2. c. 5.	The Adoption Act 1958.	Section 4(3)(b). In section 11(1), the words " or juvenile court". In section 15(3), the words from " or the Children " to " 1937 ". In section 37(3), the words " in an approved school or ".
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	Sections 8 and 9. In section 10, in subsection (1), in paragraph (a), head (i), and at the end of head (ii) the word " or ". Section 12(2). Sections 19 to 21. Section 46(a). In section 55(10), the words from " including" to the word " school". Section 56.

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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	<p>In section 57, in subsection (3)(b), the words " or young person"; and subsection (5).</p> <p>Section 69(1)(b).</p> <p>Section 71.</p> <p>In section 72, the definitions of " approved school" and " remand home " and in the definition of " place of safety " the words " or young person " first occurring.</p> <p>In section 111(1), the definition of " residential home for persons suffering from mental disorder;".</p> <p>Section 36(4) and (5).</p> <p>Section 44(3) and (4).</p> <p>Section 80(1)(e).</p> <p>In section 104 the words " (including an approved school)".</p>
1963 c. 37.	The Children and Young Persons Act 1963.	<p>Section 1.</p> <p>Sections 45 to 52.</p> <p>Section 58.</p>
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	<p>In section 11, in subsection (2), the words from " if the offender " to the words " detention centre", and subsections (3) and (5).</p> <p>Section 15.</p> <p>Part II.</p> <p>Schedule 2.</p>
1968 c. 46.	The Health Services and Public Health Act 1968.	<p>Section 13.</p> <p>Section 44.</p> <p>Section 45.</p>

*Status: This is the original version (as it was originally enacted).*

## PART II

### *Repeals Extending to England and Wales*

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	<p>In section 78(2) and (4), the words from " (including " to " 1937) ".</p> <p>In section 82(1), the words from " or " to " 1937 ", and in the proviso, the words from " or where " to " Wales ".</p> <p>In section 83(1), (2) and (4), the words " Scotland or" wherever occurring, and in subsection (5) the words from " in relation to Scotland " to " Department, and ".</p> <p>In section 85(1) and (2), the words " or under the Children and Young Persons (Scotland) Act 1937 ".</p> <p>In Schedule 4, in paragraph 9, in sub-paragraph (1), the words from " or with the consent" to " to that Act", paragraph 9(3), and in paragraph 13, the words " or of the Children and Young Persons (Scotland) Act 1937 " in both places where they occur.</p>
6 & 7 Eliz. 2. c. 65.	The Children Act 1958.	<p>In section 2(4), the words from "or of" to " 1937".</p> <p>In section 17, in the definition of "fit person order", the words " or" to " 1937 ".</p>
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	<p>In section 10(1), in sub-paragraph (a), head (ii).</p> <p>In section 50, sub-paragraph (b).</p>
1963 c. 37.	The Children and Young Persons Act 1963.	<p>In section 12, the words " Scotland or ".</p> <p>In section 45(1), the words " the Children and Young</p>

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Session and Chapter	Short Title	Extent of Repeal
1965 c. 53.	The Family Allowances Act 1965.	<p>Persons (Scotland) Acts 1937 and 1956 ".</p> <p>Sections 51 and 52.</p> <p>Section 53(1)(b).</p> <p>In section 11, subsection (1) (a)(ii), in subsection (1) (c), the words " or an order under section 73(2) of the said Act of 1937 ", and in subsection (2), the words " or the said Act of 1937 ".</p>