



# Children (Scotland) Act 1995

## CHAPTER 36

### CHILDREN (SCOTLAND) ACT 1995

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17 Duty of local authority to child looked after by them  
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21 Co-operation between authorities  
22 Promotion of welfare of children in need  
23 Children affected by disability  
24 Assessment of ability of carers to provide care for disabled children  
25 Provision of accommodation for children, etc  
26 Manner of provision of accommodation to child looked after by local  
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27 Day care for pre-school and other children  
28 Removal of power to arrange for emigration of children

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34 Registration and inspection of certain residential grant-aided and  
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35 Welfare of children in accommodation provided for purposes of school  
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36 Welfare of certain children in hospitals and nursing homes etc  
37 Modification of provisions of Children Act 1989 regarding  
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38 Short-term refuges for children at risk of harm

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- 64 Business meeting preparatory to children's hearing

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- 65 Referral to, and proceedings at, children's hearing
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- 76 Exclusion orders
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- 79 Duration, variation and recall of exclusion order
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- 81 Offences in connection with orders etc. for protection of children

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- 84 Implementation of authorisations etc

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- 86 Parental responsibilities order: general
- 87 Further provision as respects parental responsibilities orders
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- 93 Interpretation of Part II

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- 96 Duty of adoption agency to consider alternatives to adoption
- 97 Adoption by person married to natural parent
- 98 Further amendments of the 1978 Act; and interpretation of Part III

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- 99 Registration of births by persons who are themselves children
- 100 Inquiries into matters affecting children
- 101 Panel for curators ad litem, reporting officers and safeguarders
- 102 Removal of duty to report on operation of Children Act 1975
- 103 Interpretation, rules, regulations and Parliamentary control
- 104 Financial provision
- 105 Extent, short title, minor and consequential amendments, repeals and commencement

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## SCHEDULES

### SCHEDULE 1 — Children's Panels

#### *Appointment*

- 1 The Secretary of State shall, for each local government area,...
- 2 A member of a children's panel shall hold office for...

#### *Children's Panel Advisory Committees*

- 3 Subject to paragraph 8 below, each local authority shall form...

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- 4 The Secretary of State may at the request of the...  
 5 The chairman of the Children's Panel Advisory Committee shall be...  
 6 It shall be the duty of the Children's Panel Advisory...  
 7 The Children's Panel Advisory Committee shall have power—

*Joint Advisory Committees*

- 8 (1) Two or more local authorities may, instead of each...

*Recruitment and training of panel members*

- 9 The Secretary of State may make such arrangements as he...  
 10 Each local authority shall make such arrangements as they consider...

*Expenses of panel members*

- 11 A local authority may pay— (a) to a member or...

*Publication of list of members of children's panel*

- 12 Each local authority shall publish a list of names and...

**SCHEDULE 2 — Amendments of the Adoption (Scotland) Act 1978**

- 1 The Adoption (Scotland) Act 1978 shall be amended in accordance...  
 2 In section 1(2) (facilities to be provided as part of...  
 3 In section 3(3) (factors to be considered by Secretary of...  
 4 Section 8 (direction where adoption society inactive or defunct) shall...  
 5 In section 9 (regulations relating to an adoption agency's exercise...  
 6 In section 11(3) (offence of receiving child illegally placed for...  
 7 In section 12 (adoption orders)— (a) in subsection (1)—  
 8 In section 14 (adoption by married couple)—  
 9 In section 15 (adoption by one person)—  
 10 In section 16 (provision for parental agreement to adoption order)—...  
 11 In section 18 (making and effect of orders freeing for...  
 12 In section 19 (progress reports)— (a) in subsection (1)—  
 13 In section 20 (revocation of order under section 18)—  
 14 In section 21 (variation of order under section 18 so...  
 15 After section 22 insert— Children subject to supervision requirements.  
 (1) An approved adoption society shall refer the case of...  
 16 In section 24 (restrictions on making adoption orders), for subsection...  
 17 In section 25(1) (making of interim order and preconditions for...  
 18 After section 25 insert— Timetable for resolving question as to...  
 19 In section 27 (restrictions on removal of a child by...  
 20 In section 28 (restriction on removal of child from care...  
 21 Sections 32 to 37 (protected children) shall cease to have...  
 22 In section 45(5) (restrictions as to persons to whom information...  
 23 In section 49(1) (adoption of children abroad), for the words...  
 24 In section 51 (prohibition on certain payments)—  
 25 After section 51 insert— Adoption allowances schemes (1) Subject to  
 subsection (2), an adoption agency which is—...  
 26 In section 58 (curators ad litem and reporting officers), in...  
 27 In section 59(4) (disapplication of provisions regarding rules), for the...  
 28 In section 60(3) (affirmative procedure for certain orders), the words...  
 29 In section 65 (interpretation)— (a) in subsection (1)—

### SCHEDULE 3 — Transitional Provisions And Savings

- 1 Where, immediately before the day appointed for the coming into...
- 2 Sections 29 and 30 of this Act shall apply in...
- 3 Where the parental rights in respect of a child have,...
- 4 Where the parental rights in respect of a child have,...
- 5 Where the circumstance by virtue of which a resolution under...
- 6 While a resolution continues to have effect by virtue of...
- 7 Where an order made under— (a) section 10 (power of...
- 8 (1) Where relevant proceedings in relation to a child have...
- 9 Where a child has been taken to a place of...
- 10 (1) Where on the relevant date a child is subject...
- 11 In this Schedule— “the 1968 Act” means the Social Work...

### SCHEDULE 4 — Minor and Consequential Amendments

#### *Lands Clauses Consolidation (Scotland) Act 1845 (c. 19)*

- 1 (1) The Lands Clauses Consolidation (Scotland) Act 1845 shall be...

#### *Judicial Factors (Scotland) Act 1849 (c. 51)*

- 2 (1) The Judicial Factors (Scotland) Act 1849 shall be amended...

#### *Improvement of Land Act 1864 (c. 114)*

- 3 In section 24 of the Improvement of Land Act 1864...

#### *Judicial Factors (Scotland) Act 1880 (c. 4)*

- 4 In section 3 of the Judicial Factors (Scotland) Act 1880...

#### *Heritable Securities (Scotland) Act 1894 (c. 44)*

- 5 In section 13 of the Heritable Securities (Scotland) Act 1894...

#### *Trusts (Scotland) Act 1921 (c. 58)*

- 6 In section 2 of the Trusts (Scotland) Act 1921 (interpretation)—...

#### *Children and Young Persons (Scotland) Act 1937 (c. 37)*

- 7 (1) The Children and Young Persons (Scotland) Act 1937 shall...

#### *Mines and Quarries Act 1954 (c. 70)*

- 8 In section 182(1) of the Mines and Quarries Act 1954...

#### *Matrimonial Proceedings (Children) Act 1958 (c. 40)*

- 9 In section 11(1) of the Matrimonial Proceedings (Children) Act 1958...

#### *Factories Act 1961 (c. 34)*

- 10 In section 176(1) of the Factories Act 1961 (interpretation)—

*Education (Scotland) Act 1962 (c. 47)*

- 11 In section 145(33) of the Education (Scotland) Act 1962 (interpretation),...

*Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)*

- 12 (1) The Registration of Births, Deaths and Marriages (Scotland) Act...  
13 Where, at any time after the coming into force of...

*Law Reform (Miscellaneous Provisions)(Scotland) Act 1966 (c. 19)*

- 14 In section 8 of the Law Reform (Miscellaneous Provisions)(Scotland) Act...

*Social Work (Scotland) Act 1968 (c. 49)*

- 15 (1) The Social Work (Scotland) Act 1968 shall be amended...

*Children and Young Persons Act 1969 (c. 54)*

- 16 In Schedule 5 to the Children and Young Persons Act...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 17 (1) The Chronically Sick and Disabled Persons Act 1970 shall...

*Sheriff Courts (Scotland) Act 1971 (c. 58)*

- 18 (1) The Sheriff Courts (Scotland) Act 1971 shall be amended...

*Employment of Children Act 1973 (c. 24)*

- 19 In section 2(2A) of the Employment of Children Act 1973...

*Domicile and Matrimonial Proceedings Act 1973 (c. 45)*

- 20 (1) The Domicile and Matrimonial Proceedings Act 1973 shall be...

*Land Compensation (Scotland) Act 1973 (c. 56)*

- 21 (1) The Land Compensation (Scotland) Act 1973 shall be amended...

*Local Government (Scotland) Act 1973 (c. 65)*

- 22 (1) The Local Government (Scotland) Act 1973 shall be amended...

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 23 (1) The Rehabilitation of Offenders Act 1974 shall be amended...

*Criminal Procedure (Scotland) Act 1975 (c. 21)*

- 24 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended...

*Local Government (Scotland) Act 1975 (c. 30)*

- 25 In section 23(2) of the Local Government (Scotland) Act 1975...



*Children Act 1975 (c. 72)*

26 (1) The Children Act 1975 shall be amended in accordance...

*Sexual Offences (Scotland) Act 1976 (c. 67)*

27 (1) The Sexual Offences (Scotland) Act 1976 shall be amended...

*Education (Scotland) Act 1980 (c. 44)*

28 (1) The Education (Scotland) Act 1980 shall be amended in...

*Criminal Justice (Scotland) Act 1980 (c. 62)*

29 (1) The Criminal Justice (Scotland) Act 1980 shall be amended...

*Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)*

30 In section 22 of the Matrimonial Homes (Family Protection) (Scotland)...

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

31 In Schedule 9 to the Civil Jurisdiction and Judgments Act...

*Health and Social Services and Social Security Adjudications Act 1983 (c. 41)*

32 In Schedule 2 to the Health and Social Services and...

*Mental Health (Scotland) Act 1984 (c. 36)*

33 (1) The Mental Health (Scotland) Act 1984 shall be amended...

*Child Abduction Act 1984 (c. 37)*

34 In section 6 of the Child Abduction Act 1984 (offence...

*Foster Children (Scotland) Act 1984 (c. 56)*

35 (1) The Foster Children (Scotland) Act 1984 shall be amended...

*Family Law (Scotland) Act 1985 (c. 37)*

36 In section 2 of the Family Law (Scotland) Act 1985...

*Child Abduction and Custody Act 1985 (c. 60)*

37 (1) The Child Abduction and Custody Act 1985 shall be...

*Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9)*

38 (1) The Law Reform (Parent and Child) (Scotland) Act 1986...

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

39 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986...

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*Legal Aid (Scotland) Act 1986 (c. 47)*

40 In section 41 of the Legal Aid (Scotland) Act 1986...

*Family Law Act 1986 (c. 55)*

41 (1) The Family Law Act 1986 shall be amended in...

*Housing (Scotland) Act 1987 (c. 26)*

42 In section 61 of the Housing (Scotland) Act 1987 (exemption...

*Criminal Justice (Scotland) Act 1987 (c. 41)*

43 In section 49(4)(b) of the Criminal Justice (Scotland) Act 1987...

*Civil Evidence (Scotland) Act 1988 (c. 32)*

44 In paragraph (a) of the definition of “civil proceedings” in...

*Court of Session Act 1988 (c. 36)*

45 In section 5 of the Court of Session Act 1988...

*School Boards (Scotland) Act 1988 (c. 47)*

46 In section 22(2) of the School Boards (Scotland) Act 1988...

*Self-Governing Schools etc. (Scotland) Act 1989 (c. 39)*

47 In section 80(1) of the Self-Governing Schools etc. (Scotland) Act...

*Children Act 1989 (c. 41)*

48 (1) The Children Act 1989 shall be amended in accordance...

*Local Government and Housing Act 1989 (c. 42)*

49 (1) The Local Government and Housing Act 1989 shall be...

*Access to Health Records Act 1990 (c. 23)*

50 (1) The Access to Health Records Act 1990 shall be...

*Horses (Protective Headgear for Young Riders) Act 1990 (c. 25)*

51 In section 1(2)(a)(ii) (application), of the Horses (Protective Headgear for...

*Child Support Act 1991 (c. 48)*

52 (1) The Child Support Act 1991 shall be amended in...

*Age of Legal Capacity (Scotland) Act 1991 (c. 50)*

53 (1) The Age of Legal Capacity (Scotland) Act 1991 shall...

*Armed Forces Act 1991 (c. 62)*

54 (1) The Armed Forces Act 1991 shall be amended in...

*Tribunals and Inquiries Act 1992 (c. 53)*

55 In paragraph 61 in column 2 of Schedule 1 to...

*Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*

56 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall...

*Local Government etc. (Scotland) Act 1994 (c. 39)*

57 (1) The Local Government etc. (Scotland) Act 1994 shall be...

*Children (Northern Ireland) Order 1995 (SI 1995/755 (N.I.2))*

58 In Article 70(7) of the Children (Northern Ireland) Order 1995...

*Civil Evidence (Family Mediation)(Scotland) Act 1995 (c. 6)*

59 In section 2 of the Civil Evidence (Family Mediation) (Scotland)...

*Criminal Justice (Scotland) Act 1995 (c. 00)*

60 In section 20 of the Criminal Justice (Scotland) Act 1995...

SCHEDULE 5 — Repeals