

Status: Point in time view as at 26/07/2021.

Changes to legislation: Children (Scotland) Act 1995, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 August 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

SCHEDULE 5

Section 105(5).

REPEALS

Extent Information

- E1** [Sch. 5](#) extends to Scotland, and it extends also to England, Wales, Northern Ireland and the Channel Islands so far as it relates to certain repeals, see [s. 105\(1\)\(8\)\(9\)](#)

Commencement Information

- II** [Sch. 5](#) partly in force; [Sch. 5](#) not in force at Royal Assent see [s. 105\(1\)](#); [Sch. 5](#) in force for certain purposes at 1.11.1995 by [S.I. 1995/2787](#), [art. 3](#), [Sch.](#); [Sch. 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 (18.10.1996) by [S.I. 1996/2708](#), [art. 2](#) and (19.1.1997) by [S.I. 1997/137](#), [art. 2](#)); [Sch. 5](#) in force for certain purposes at 1.4.1997 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](#)); [Sch 5](#) in force for further certain purposes at 22.1.2002 by [S.S.I. 2002/12](#), [art. 2](#)

Chapter	Short title	Extent of repeal
8 & 9 Vict. c.19.	Lands Clauses Consolidation (Scotland) Act 1845.	<p>In section 7, the words “persons under legal disability by reason of nonage” in each place where they occur.</p> <p>In section 67, the words “persons under legal disability by reason of nonage”.</p> <p>In section 69, the words “persons under legal disability by reason of nonage”.</p>
12 & 13 Vict. c.51.	Judicial Factors Act 1849.	<p>In section 1, the words from “the word ”Guardian”” to “years;”.</p> <p>Section 25(2)</p> <p>In section 27, the words “guardians and”.</p> <p>In section 31, the word “guardian,”.</p>

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		In section 32, the word “guardian,”.
		In section 33, the words “guardians or”.
		In section 34, in both places where it occurs, the word “guardian,”.
		In section 36, the word “guardianships,”.
		In section 37, the word “guardian,”
		In section 40, the word “guardians,” in both places where it occurs.
27 & 28 Vict. c.114.	Improvement of Land Act 1864.	In section 18, the words from “nor shall they” to the end.
		In section 21, the words from “or if the landowner” to “minors”; and the words “or circumstance” in both places where they occur.
43 & 44 Vict. c.4.	Judicial Factors (Scotland) Act 1880.	In section 3, in the definition of “judicial factor”, the words from “and” to “required”.
7 Edw.7 c.51.	Sheriff Courts (Scotland) Act 1907.	Section 5(2C).
		Section 38C.
11 & 12 Geo.5 c.58.	Trusts (Scotland) Act 1921.	In section 2, in the definition of “trustee”, the words from “guardian” to “years”.
1 Edw.8 & 1 Geo.6 c.37.	Children and Young Persons (Scotland) Act 1937.	In section 27, the first paragraph.
1 & 2 Geo.6 c.73.	Nursing Homes Registration (Scotland) Act 1938.	In section 4(1)(b)(iii), the words “custody or”.
14 & 15 Geo.6 c.65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 8(1)(d), the words from “or any order” to the end.
6 & 7 Eliz.2 c.40.	Matrimonial Proceedings (Children) Act 1958.	Sections 8 to 10.
		Section 12.
1965 c.49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 43, in subsection (3) the words from “In this” to the end; and subsection (10).

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1968 c.49.	Social Work (Scotland) Act 1968.	<p>In section 5(1B), before paragraph (o), the word “and”.</p> <p>In section 5B(5), the words from “and” at the end of the definition of child to the end of the subsection.</p> <p>Section 6(1)(b)(ii).</p> <p>Sections 15 to 26.</p> <p>Part III, except section 31(1) and (3).</p> <p>Part V.</p> <p>Section 88.</p> <p>In section 90(1), the words “(other than orders under sections 52 and 58 and Part V of this Act)”.</p> <p>In section 94(1), the definition of “children’s panel” and of “children’s hearing”; the definitions of “compulsory measures of care”, “guardian” and “place of safety”; in the definition of “prescribed”, paragraph (b); and the definition of “school age”.</p> <p>In section 97, in subsection (1), the words “section 44(1) (except head (b)) and (1A)”, “section 58” and “Part V”; and subsections (2) and (3).</p>
1969 c.54.	Children and Young Persons Act 1969.	In Schedule 5, paragraphs 57 and 65(1).
1972 c.18.	Maintenance Orders (Reciprocal Enforcement) Act 1972.	Section 4(3).
1972 c. 24.	Social Work (Scotland) Act 1972.	The whole Act.
1973 c.29.	Guardianship Act 1973.	The whole Act.
1973 c. 65	Local Government (Scotland) Act 1973.	<p>In Schedule 25, paragraph 41.</p> <p>In Schedule 27, paragraphs 185 and 187.</p>

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1974 c.53.	Rehabilitation of Offenders Act 1974.	Section 5(10A).
		In section 7(2), paragraph (e); and the words from “In the application” to the end.
1975 c.21.	Criminal Procedure (Scotland) Act 1975.	Section 14.
		In section 168(c), the word “female”.
		In section 177, the words “provided by a local authority under Part IV of the Social Work (Scotland) Act 1968”.
		In section 296, in subsection (3), the words from “and the child” to the end; and subsection (4).
		Section 323.
		In section 364(c), the word “female”.
		In section 378, the words “provided by a local authority under Part IV of the Social Work (Scotland) Act 1968”.
		In section 413, in subsection (3), the definitions of “care” and of “the 1968 Act”; in subsection (4), the words “within the meaning of the 1968 Act”; in subsection (5), the words “(within the meaning of the 1968 Act)”; and in subsection (6A), the words “within the meaning of the 1968 Act”.
		In Schedule 9, paragraphs 43 and 44.
1975 c.72.	Children Act 1975.	Sections 47 to 49.
		Section 53.
		Sections 73 to 84.
		Sections 99 and 100.
		Section 102.
		Section 103.

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1978 c.28.	Adoption (Scotland) Act 1978.	Section 105. Section 107, except the definitions, in subsection (1), of “adoption society”, “child” and “voluntary organisation”. In Schedule 3, paragraphs 52 to 57. In section 1(2), paragraph (a). In section 2, paragraph (d). In section 3(3)(a), the words “including in particular its ability to make provision for children who are free for adoption”. Section 8. In section 12, in subsection (3)(b), the words “or by”; and in subsection (4) the word “— (a)” and paragraph (b). In section 14(1), the words from “subject” to “certain cases)”. In section 15, in subsection (1), the words from “Subject” to “certain cases)”; and in subsection (3), the word “natural” wherever it occurs. In section 16, subsection (5). Section 26. In section 28(5), the words “or of a voluntary organisation” and “or the organisation”. Sections 32 to 37. In section 51, subsections (6) (a) and (7) to (11). In section 60(3), the words “or 51(9)”. In section 65(1), in the definition of “guardian”, paragraph (b), and in the definition of “local
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		authority”, the words “, 35(1)”.
		In Schedule 3, paragraphs 13, 14 and 15.
1980 c.44.	Education (Scotland) Act 1980.	Section 44(1).
		In section 65B(6), paragraph (a).
		In section 135(1), the definition of “reporter of the appropriate local authority”.
1980 c.62.	Criminal Justice (Scotland) Act 1980.	In Schedule 7, paragraph 21.
1983 c.33.	Solvent Abuse (Scotland) Act 1983.	The whole Act.
1983 c.41.	Health and Social Services and Social Security Adjudications Act 1983.	Section 7.
		Section 8(1) and (4).
		In Schedule 2, paragraphs 4 to 6 and 8.
1984 c.15.	Law Reform (Husband and Wife) (Scotland) Act 1984.	Section 3(2).
1984 c.36.	Mental Health (Scotland) Act 1984.	In section 10(1)(a), sub-paragraph (i); and the word “or” immediately following that sub-paragraph.
		Section 55(4).
1984 c.56.	Foster Children (Scotland) Act 1984.	In section 2, in subsection (3), the words “within the meaning of the Social Work (Scotland) Act 1968”; and in subsection (5), the words “; or (b) while he is a protected child within the meaning of section 32 of the said Act of 1978.”.
1985 c.37.	Family Law (Scotland) Act 1985.	In section 21, the words from “or an order” to “child”.
1985 c.60.	Child Abduction and Custody Act 1985.	In section 25, subsection (6).
		In Schedule 3, paragraph 7.
1986 c.9.	Law Reform (Parent and Child) (Scotland) Act 1986.	Sections 2 to 4.

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		In section 8, the definitions of “child” and “parental rights”.
		In Schedule 1, paragraph 3.
1986 c.33.	Disabled Persons (Services, Consultation and Representation) Act 1986.	In section 16, in the definition of “guardian”, paragraph (b).
1986 c.55.	Family Law Act 1986.	In section 15(4), the words from “under section” to “1973”.
		In section 17, in subsection (1), the words “Subject to subsection (2) below”; and subsection (2).
		In section 35(4)(c), the words “custody or”.
1988 c.32	Civil Evidence (Scotland) Act 1988.	In section 9, in the definition of “civil proceedings”, in paragraph (a), the words “under section 42 of the Social Work (Scotland) Act 1968”.
1988 c.36.	Court of Session Act 1988.	Section 20.
1989 c.41.	Children Act 1989.	In Schedule 13, paragraph 13.
1989 c.42.	Local Government and Housing Act 1989.	In Schedule 11, paragraph 15.
1991 c.48.	Child Support Act 1991.	In section 5(1), the words “(or, in Scotland, parental rights over)” in both places where they occur.
		In section 54, the definition of “parental rights”.
1991 c.50.	Age of Legal Capacity (Scotland) Act 1991.	In section 5(1), the words “or tutory”.
		In section 9, the definition of “parental rights”.
		In Schedule 1, paragraphs 3 to 5 and 7 to 15.
1993 c.9	Prisoners and Criminal Proceedings (Scotland) Act 1993.	In paragraph 8 of Schedule 3, the definition of “criminal proceedings”, the words “under section 42 of the Social Work (Scotland) Act 1968”.
1993 c.35.	Education Act 1993.	In Schedule 19, paragraph 36.

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1994 c.39.

Local Government etc.
(Scotland) Act 1994.

Section 139.

In Schedule 13, paragraphs
76(6) and (10) to (25); 92(14)
(b)(iii); 100(6)(b)(iv); 103;
and 161(7)(c).

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