

Draft Order laid before the Scottish Parliament under section 117(5) of the Adoption and Children (Scotland) Act 2007, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

CHILDREN AND YOUNG PERSONS

**The Adoption and Children (Scotland) Act
2007 (Modification of Enactments) Order 2010**

Made - - - - 2010

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 116 of the Adoption and Children (Scotland) Act 2007⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 117(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Modification of Enactments) Order 2010 and shall come into force on the day after the day on which it is made.

Modifications of enactments

2. The Schedule to this Order, which makes modification of certain enactments, has effect.

St Andrew's House,
Edinburgh
Date

Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

MODIFICATION OF ENACTMENTS

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

1. In subsection (5) of section 39E of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(2) (abbreviated extracts) for “section 45(1) of the Adoption Act 1978 (c.28)” substitute “section 53(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

Social Work (Scotland) Act 1968

2. In subsection (3A) of section 10 of the Social Work (Scotland) Act 1968(3) (financial and other assistance to voluntary organisations etc. for social work) the word “support” is repealed.

Foster Children (Scotland) Act 1984

3. In subsection (1) of section 7 of the Foster Children (Scotland) Act 1984(4) (persons disqualified from keeping foster children)—

(a) the word “or” immediately following paragraph (f) is repealed;

(b) after paragraph (g) add—

“; or

(h) all his parental responsibilities and parental rights have been extinguished by a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

Civil Evidence (Family Mediation) (Scotland) Act 1995

4. In sub-paragraph (iii) of section 2(1)(d) of the Civil Evidence (Family Mediation) (Scotland) Act 1995(5) (exceptions to general rule of inadmissibility) for “section 29(1)” substitute “section 28(1)”.

Children (Scotland) Act 1995

5. In paragraph (l) of subsection (2) of section 52 of the Children (Scotland) Act 1995(6) (children requiring compulsory measures of supervision) for the words from “, or”, where it first occurs, to “Act” substitute “of this Act or is the subject of a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

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- (2) 1965 c.49; section 39E was inserted by section 44(5) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).
- (3) 1968 c.49; subsection (3A) of section 10 was inserted by the [Children \(Scotland\) Act 1975 \(c.72\)](#), Schedule 2, paragraph 51(b) and was amended by the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), schedule 3, paragraph 4(2) and by the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), schedule 2, paragraph 2(4).
- (4) 1984 c.56; section 7(1) was amended by the [Children Act 1989 \(c.41\)](#), Schedule 12, paragraph 43; the [Children \(Scotland\) Act 1995 \(c.36\)](#), Schedule 4, paragraph 35(4)(a) and (b); the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c.40\)](#), Schedule 4, paragraph 53(2); and the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), schedule 4, paragraph 1.
- (5) 1995 c.6; section 2(1)(d) was amended by the [Children \(Scotland\) Act 1995 \(c.36\)](#), Schedule 4 paragraph 59(a) and (b) and by the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), schedule 2, paragraph 8 and schedule 3, paragraph 1.
- (6) 1995 c.36; section 52 was amended by the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c.40\)](#), Schedule 4, paragraph 97(a) and (b) and by the [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), section 12(3).

Regulation of Care (Scotland) Act 2001

- 6.—(1) The Regulation of Care (Scotland) Act 2001(7) is amended as follows.
- (2) In section 2 (care services) subsection (13) is repealed.
- (3) In paragraph (b) of subsection (6) of section 25(8) (inspections)—
- (a) after “(c.18)” insert “or section 3, 8, 13 or 37 of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)”; and
 - (b) the words “or section 8 or 37 of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#)” are repealed.

Local Electoral Administration and Registration Services (Scotland) Act 2006

7. In paragraph (k) of subsection (2) of section 58 of the Local Electoral Administration and Registration Services (Scotland) Act 2006(9) (issuing of other material kept or held by the Registrar General), for the words from “or”, where it first occurs, to the end of the paragraph, substitute “maintained under section 53(1) of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#) or any register or book maintained in pursuance of section 55(1) of that Act”.

Adoption and Children (Scotland) Act 2007

- 8.—(1) The Adoption and Children (Scotland) Act 2007(10) is amended as follows.
- (2) In section 10 (provision of services) the word “adoption”, where it occurs in each of subsections (1) and (2)(a), is repealed.
- (3) In section 26 (looked after children: adoption not proceeding) subsection (10) is repealed.
- (4) In subsection (2) of section 76 (adoption societies which are not registered adoption services) for “that Act” substitute “the 2002 Act”.
- (5) In subsection (2) of section 109 (proceedings to be in private)—
- (a) in paragraph (g) the word “and” is repealed; and
 - (b) after paragraph (g) insert—
“(ga) section 98, and”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to primary legislation. These modifications are consequential and supplemental to the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#).

(7) 2001 asp 8.

(8) Section 25(6)(b) was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 11(3) and schedule 3, paragraph 1.

(9) 2006 asp 14.

(10) 2007 asp 4.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Adoption and Children (Scotland) Act 2007 (Modification of Enactments) Order 2010 No. 21*

The modifications are set out in the Schedule to the Order, which Schedule has effect in accordance with article 2 of the Order.