



Children Act 1975

CHAPTER 72

CHILDREN ACT 1975

PART I

1—32

PART II

CUSTODY

Custodianship orders

- 33 Custodianship orders.
- 34 Access and maintenance.
- 34A Matters to which court is required to have regard in exercising powers as to maintenance.
- 34B Duration of orders for maintenance.
- 35 Revocation and variation of orders.
- 35A Care etc. of child on revocation of custodianship order.
- 36 Provisions relating to lump sums.
- 37 Custodianship order on application for adoption or guardianship.
- 38 Disputes between joint custodians.
- 39 Reports by local authorities and probation officers.
- 40 Notice of application to be given to local authority.
- 41 Restriction on removal of child where applicant has provided home for three years.
- 42 Return of child taken away in breach of section 41.
- 43 Enforcement of orders made by magistrates' courts.
- 43A Restriction on removal of child from England and Wales.
- 44 Effect of custodianship order on existing custody.
- 45 Affiliation order on application by custodian.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

46 Procedure in magistrates' courts.

Custody in Scotland

47 Granting of Custody.
 48 Miscellaneous provisions relative to custody.
 49 Notice to local authority of certain custody applications.
 50 Payments towards maintenance of children.
 51 Restriction on removal of child where applicant has provided home for three years.
 52 Return of child taken away in breach of section 51.
 53 Custody order on application for adoption in Scotland.
 54
 55 Interpretation and extent of sections 50 to 53.

PART III

CARE

56 Restriction on removal of child from care.
 57 Substitution of s. 2 of Children Act 1948.
 58 Supplementary provisions relating to care proceedings.
 59 General duty of local authority in care cases.

Children in care of voluntary organisations in England and Wales

60 Transfer of parental rights and duties to voluntary organisations.
 61 Duty of local authority to assume parental rights and duties.
 62 Effect of resolutions under sections 60 and 61.
 63 Appeals by parents etc.

Conflict of interest between parent and child

64 Addition of new sections to Children and Young Persons Act 1969.
 65
 66 Safeguarding of interests of children before children's hearings etc. in Scotland.

Absence from care and children in need of secure accommodation

67 Recovery of children in care of local authorities.
 68 Extension of powers under section 32 of the Children and Young Persons Act 1969.
 69 Certificates of unruly character.
 70 Children of unruly character in Scotland.
 71
 72 Grants in respect of secure accommodation for children in Scotland.

Further amendments of Social Work (Scotland) Act 1968

73 Amendment of s. 15 of Social Work (Scotland) Act 1968.
 74 Substitution of s. 16 of Social Work (Scotland) Act 1968.
 75 Duty of local authority in Scotland to assume parental rights and powers vested in a voluntary organisation.
 76 Return of Children taken away in breach of section 17(8) or (9) of Social Work (Scotland) Act 1968.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- 77 Making of adoption orders where local authority or voluntary organisations have parental rights.
- 78 Safeguarding of interests of children in proceedings in Scotland relating to the assumption of parental rights.
- 79 Amendment of section 20 of Social Work (Scotland) Act.
- 80 Review of case of child in care in Scotland.
- 81 Restriction on removal of child from care of voluntary organisation.
- 82 Power of reporters to conduct proceedings under the Social Work (Scotland) Act 1968.
- 83 Amendment of section 37 of Social Work (Scotland) Act 1968.
- 84 Amendment of section 40 of Social Work (Scotland) Act 1968.

PART IV

FURTHER AMENDMENTS OF LAW OF ENGLAND AND WALES

Explanation of concepts

- 85 Parental rights and duties.
- 86 Legal custody.
- 87 Actual custody.
- 88 Child in care of voluntary organisation.
- 89

Reports in guardianship and matrimonial proceedings

- 90 Procedure in guardianship proceedings.
- 91

Registration of births

- 92 Registration of births of abandoned children.
- 93 Registration of father of illegitimate child.

Extent of Part IV

- 94 Extent of Part IV.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

- 95—97
- 98

Inquiries

- 99 Inquiries in Scotland.

Supplemental

- 100 Courts.
- 101 Appeals etc.
- 102 Evidence of agreement and consent.
- 103 Panel for guardians ad litem and reporting officers.
- 104 Savings for powers of High Court.
- 105 Periodic review of Act.
- 106 Regulations and orders.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- 107 Interpretation.
108 Amendments, repeals, commencement and transitory provisions.
109 Short title and extent.

SCHEDULES

SCHEDULE 1 — Status conferred by adoption or legitimation in England and Wales

Part I — INTERPRETATION

- 1 (1) This Part applies for the construction of this Schedule,...

Dispositions of property

- 2 (1) In this Schedule— “ disposition ” includes the conferring...

Part II — ADOPTION ORDERS

Status conferred by adaption

- 3 (1) An adopted child shall be treated in law—

Vocabulary

- 4 A relationship existing by virtue of paragraph 3 may be...

Instruments and enactments concerning property

- 5 (1) Paragraph 3— (a) does not apply to an existing...

- 6 (1) Subject to any contrary indication, the rules of construction...

Other enactments and instruments

- 7 (1) Paragraph 3 does not apply for the purposes of...

Pensions

- 8 Paragraph 3(2) does not affect entitlement to a pension which...

Adoption of child by natural parents

- 9 In the case of a child adopted by one of...

Peerages, etc.

- 10 An adoption does not affect the descent of any peerage...

Insurance

- 11 Where a child is adopted whose natural parent has effected...

Part III

12, 13

Part IV — SUPPLEMENTAL

Dispositions depending on date of birth

- 14 (1) Where a disposition depends on the date of birth...

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

Protection of trustees and personal representatives

15 (1) A trustee or personal representative is not under a...

Property devolving with peerages, etc.

16 (1) This Schedule shall not affect the devolution of any...

Entails

17 It is hereby declared that references in this Schedule to...

Part V — EXTENT

18 This Schedule does not apply to Scotland.

SCHEDULE 2 — Status conferred in Scotland by adoption

General

1

Pensions

2

Insurance

3

Social Security

4

Succession of Property

5 (1)

Adoption and Legitimation

6 (1)

Interpretation

7

SCHEDULE 3 — Minor and Consequential Amendments.

Children and Young Persons Act 1933 (23 and 24 Geo. 5 c. 12)

1 In section 1(1)(b), for the words “one hundred pounds” there...

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

2 In section 12(1)(b) for the words “twenty-five pounds” there is...

3

4—6

Marriage Act 1949 (c. 76)

7 In section 3(1), after the words “shall be required” there...

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- 8 In Part I of Schedule 1— (a) after “Mother” there...
9 In Schedule 2 in paragraph 2(b) after the words “deceased...”

Maintenance Orders Act 1950 (c. 37)

- 10 In section 15, after the words “Maintenance Orders (Reciprocal Enforcement)...
11 In section 16(2)(a), after sub-paragraph (v) there are inserted the...
12

Births and Deaths Registration Act 1953 (c. 20)

- 13 (1) For “living new-born child” in each place where it...

Affiliation Proceedings Act 1957 (c. 55)

- 14 In section 5(2) there is inserted at the end the...
15

Children Act 1958 (6 & 7 Eliz. 2 c. 65)

- 16 In section 2, as it applies in England and Wales,—...
17
18—20
21—40

County Courts Act 1959 (c. 22)

- 41 In section 109(2) the following paragraph is inserted after paragraph...

Children and Young Persons Act 1963 (c. 37)

- 42 In section 49(1), for the words “twenty pounds” there are...

Perpetuities and Accumulations Act 1964 (c. 55)

- 43 In section 4, the following subsection is inserted at the...
44, 45

Health Services and Public Health Act 1968 (c. 46)

- 46 For section 64(3)(a) there is substituted— (a) “the relevant enactments”...
47 For section 65(3)(b) there is substituted— (b) “the relevant enactments”...

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

- 48 In section 2(2) (functions of the social work committee), the...
49 For section 5(2) there is substituted— (2) The Secretary of...
50 In section 6(1)(b), after sub-paragraph (ii) there is inserted the...
51 In section 10— (a) in subsection (1), for the words...
52
53
54
55
56

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- 57
- 58 In section 69— (a) in subsection (1), at the end...
- 59 In section 70, at the end there are added the...
- 60 In section 7, for the words “one hundred pounds” there...
- 61, 62
- 63
- 64, 65
- 66

Children and Young Persons Act 1969 (c. 54)

- 67 In section 1(2) the following paragraph is inserted after paragraph...
- 68 The following section is inserted after section 11— Local authority...
- 69 In section 21— (a) the following subsection is inserted after...
- 70 The following section is inserted after section 21— Termination of...
- 71 In section 27— (a) in subsection (3), for the words...
- 72 In section 58(1), the following paragraph is inserted after paragraph...

Administration of justice Act 1970 (c. 31)

- 73 (1) In Schedule 1— (a) after “Appellate Business” there is...

Local Authority Social Services Act 1970 (c. 42)

- 74 In Schedule 1— (a)

Guardianship of Minors Act 1971 (c. 3)

- 75 (1) In section 9— (a) in subsection (2) for “any...

Attachment of Earnings Act 1971 (c. 32)

- 76 In Schedule 1— (a) in paragraph 6, after the words...
- 77

Matrimonial Causes Act 1973 (c. 18)

- 78 In section 44(1), for the words “custody of any person”...
- 79 In section 50(1), at the end of paragraph (e) there...

Guardianship Act 1973 (c. 29)

- 80 (1) In section 4(3) for the words from “the following...
- 81 In section 6(1), for “section 9 of the Guardianship of...
- 82
- 83

SCHEDULE 4 — Further Repeals

- Part I — STATUS OF ADOPTED CHILD
- Part II — LEGITIMATION
- Part III — MISCELLANEOUS
- Part IV — ADOPTION ORDERS
- Part V — CHILDREN IN CARE OF LOCAL AUTHORITIES
- Part VI — REGISTRATION OF BIRTHS
- Part VII — ADOPTION AGENCIES
- Part VIII — ADOPTION: EVIDENCE OF AGREEMENT & GUARDIANS AD LITEM

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975. (See end of Document for details)

- Part IX — INQUIRIES ETC. BY ADOPTION AGENCIES
- PART X — GRANTS ETC. FOR VOLUNTARY ORGANISATIONS
- Part XI — PROTECTED CHILDREN
- Part XII — CUSTODIANSHIP

Changes to legislation:

There are currently no known outstanding effects for the Children Act 1975.