
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 406 (C. 51)

CHILDREN AND YOUNG PERSONS

**The Children and Young People (Scotland) Act 2014
(Commencement No. 10 and Saving Provision) Order 2015**

Made - - - - *1st December 2015*
Laid before the Scottish
Parliament - - - - *3rd December 2015*
Coming into force - - *5th January 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 102(3) and (4) of the Children and Young People (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1. This Order may be cited as the Children and Young People (Scotland) Act 2014 (Commencement No. 10 and Saving Provision) Order 2015 and comes into force on 5th January 2016.

2. In this Order—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995⁽²⁾; and

“the 2014 Act” means the Children and Young People (Scotland) Act 2014.

Days appointed

3.—(1) 1st February 2016 is the day appointed for the coming into force of section 91 of the 2014 Act, in so far as not already in force.

(2) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the 2014 Act specified in—

(a) column 1 of Part 1 of the Schedule (the subject matter of which is described in column 2 of that Part) is 5th January 2016; and

(b) column 1 of Part 2 of the Schedule (the subject matter of which is described in column 2 of that Part) is 1st April 2016.

(1) 2014 asp 8.
(2) 1995 c.46.

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(3) Where a purpose is specified in column 3 of the Schedule in relation to any provision specified in column 1 of Part 1 or 2, that provision comes into force in accordance with paragraph (2) for that purpose only.

Saving provision

4. Despite article 3(1) appointing 1st February 2016 as the day on which section 91 of the 2014 Act (which inserts section 44A into the 1995 Act) comes into force, the 1995 Act continues to have effect on or after that date as it had effect immediately before that date in relation to any decision to detain a child in secure accommodation in pursuance of an order made under section 44 of the 1995 Act, where that decision was taken before 1st February 2016.

St Andrew's House, Edinburgh
1st December 2015

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3(2) and (3)

PART 1

Provisions of the 2014 Act for which the day
appointed for coming into force is 5th January 2016

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the 2014 Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 19	Named person service	So far as is necessary to enable the Scottish Ministers to make orders under section 19(3)(b) of the 2014 Act
Section 30	Complaints in relation to Part 4	So far as is necessary to enable the Scottish Ministers to make orders under section 30(1) of the 2014 Act
Section 31	Relevant authorities	So far as is necessary to enable the Scottish Ministers to make orders under section 31(2) of the 2014 Act
Section 33	Child's plan: requirement	So far as is necessary to enable the Scottish Ministers to make orders under section 33(6) of the 2014 Act
Section 34	Content of a child's plan	So far as is necessary to enable the Scottish Ministers to make orders under section 34(4) of the 2014 Act
Section 35	Preparation of a child's plan	So far as is necessary to enable the Scottish Ministers to make orders under section 35(6) and (8) of the 2014 Act
Section 37	Responsible authority: special cases	So far as is necessary to enable the Scottish Ministers to make orders under section 37(7) of the 2014 Act
Section 39	Child's plan: management	So far as is necessary to enable the Scottish Ministers to make orders under section 39(2) and (6) of the 2014 Act
Section 43	Complaints in relation to Part 5	So far as is necessary to enable the Scottish Ministers to make orders under section 43(1) of the 2014 Act

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the 2014 Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 44	Listed authorities	So far as is necessary to enable the Scottish Ministers to make orders under section 44(2) of the 2014 Act
Section 96 (so far as not already in force)	Assessment of wellbeing	

PART 2

Provisions of the 2014 Act for which the day appointed for coming into force is 1st April 2016

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the 2014 Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 71 (so far as not already in force)	Assistance in relation to kinship care orders	
Section 73 (so far as not already in force)	Kinship care assistance: further provision	
Section 75 (so far as not already in force)	Scotland's Adoption Register	
Section 98	Modification of enactments (consequential amendments)	For the purpose of commencing paragraph 11(1), (5) and (6) of schedule 5 to the 2014 Act
Schedule 5, paragraph 11(1), (5) and (6) (so far as not already in force)	Consequential amendments	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

It commences section 91 of the 2014 Act (which inserts a new section 44A into the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), so far as not already in force, with effect from 1st February 2016. This section was partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make regulations under section 44A(5).

Article 4 makes saving provision so that, despite the Order commencing section 91 of the 2014 Act on 1st February 2016, the 1995 Act will continue to apply as it did before that date (ie without section 44A) in relation to any decision to detain a child in secure accommodation in pursuance of an order made under section 44 of the 1995 Act, where that decision was taken before 1st February 2016.

The Order partially commences provisions within Parts 4 (provision of named persons) and 5 (child's plan) of the 2014 Act, with effect from 5th January 2016, for the limited purpose of enabling the Scottish Ministers to make orders in accordance with the powers contained in those Parts.

The Order commences section 96 of the 2014 Act (which relates to the assessment of wellbeing under the Act), so far as not already in force, with effect from 5th January 2016. This section has been partially commenced by earlier commencement orders.

Sections 71 and 73 of the 2014 Act are commenced, so far as not already in force, with effect from 1st April 2016. These sections are contained within Part 13 of the 2014 Act (support for kinship care) and were partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make orders under the sections.

The Order also commences section 75 of, and paragraph 11(1), (5) and (6) of schedule 5 to, the 2014 Act so far as not already in force, with effect from 1st April 2016. These provisions relate to Scotland's Adoption Register, and amendments to the Adoption and Children (Scotland) Act 2007 ("the 2007 Act"). They were partially commenced by an earlier commencement order for the purpose of enabling the Scottish Ministers to make regulations under section 13A(2) of the 2007 Act. Section 98 of the 2014 Act is partially commenced to allow paragraph 11(1), (5) and (6) of the schedule to operate.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The Bill for the 2014 Act received Royal Assent on 27th March 2014. Section 102(1) brought Part 18 of the 2014 Act into force on the day after Royal Assent (apart from sections 96, 97 and 98). Section 102(2) brought subsections (2) to (5) of section 47 (duty to secure provision of early learning and childcare) into force on the day after Royal Assent. The provisions of the 2014 Act commenced by earlier commencement orders are detailed in the table below:

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1	15th June 2015	2015/61
Section 4	15th June 2015	2015/61
Section 8 (partially)	30th September 2015	2015/317
Section 46	28th June 2014	2014/131
Section 47(1) and (6)	1st August 2014	2014/131
Section 48	1st August 2014	2014/131
Section 49	1st August 2014	2014/131
Section 50	1st August 2014	2014/131
Section 51	1st August 2014	2014/131
Section 52	1st August 2014	2014/131
Section 53	1st August 2014	2014/131

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 54	1st August 2014	2014/131
Section 55	1st August 2014	2014/131
Section 56	1st April 2015	2015/61
Section 57 (partially)	1st August 2014	2014/131
Section 57 (so far as not already in force)	1st April 2015	2015/61
Section 58	1st April 2015	2015/61
Section 59	1st April 2015	2015/61
Section 60	1st April 2015	2015/61
Section 61	1st April 2015	2015/61
Section 62	1st April 2015	2015/61
Section 63	1st April 2015	2015/61
Section 64	1st April 2015	2015/61
Section 65	1st April 2015	2015/61
Section 66 (partially)	1st August 2014	2014/131
Section 66 (so far as not already in force)	1st April 2015	2015/61
Section 67(1) (partially)	1st August 2014	2014/131
Section 67(1) (so far as not already in force)	1st April 2015	2015/61
Section 67(2)	1st April 2015	2015/61
Section 68 (partially)	1st August 2014	2014/131
Section 69	1st August 2014	2014/131
Section 70	1st August 2014	2014/131
Section 71 (partially)	1st August 2014	2014/131
Section 72	1st August 2014	2014/131
Section 73 (partially)	1st August 2014	2014/131
Section 74	1st August 2014	2014/131
Section 75 (partially)	30th September 2015	2015/317
Section 76	1st August 2014	2014/165
Section 77	1st August 2014	2014/165
Section 78	1st August 2014	2014/165
Section 79	1st August 2014	2014/165
Section 80	1st August 2014	2014/165
Section 81(1)(a), (b) and (c)	1st August 2014	2014/165
Section 81(1)(d) (so far as not already in force)	30th March 2015	2015/104
Section 81(2) (so far as not already in force)	30th March 2015	2015/104

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 81(3)(a) (so far as not already in force)	30th March 2015	2015/104
Section 81(3)(b)	1st August 2014	2014/165
Section 81(4) (partially)	1st August 2014	2014/165
Section 81(4) (partially)	6th October 2014	2014/251
Section 81(4) (partially)	9th January 2015	2014/353
Section 81(4) (partially)	9th January 2015	2014/365
Section 81(4) (so far as not already in force)	30th March 2015	2015/104
Section 81(5) (partially)	1st August 2014	2014/165
Section 81(5) (so far as not already in force)	9th January 2015	2014/353
Section 81(6) (so far as not already in force)	30th March 2015	2015/104
Section 81(7)	9th January 2015	2014/353
Section 81(8) (so far as not already in force)	30th March 2015	2015/104
Section 81(8)(b) (partially)	1st August 2014	2014/165
Section 81(9) (partially)	6th October 2014	2014/251
Section 81(9) (so far as not already in force)	9th January 2015	2014/365
Section 81(10)	9th January 2015	2014/353
Section 81(11)(a)	9th January 2015	2014/353
Section 81(11)(b) (so far as not already in force)	30th March 2015	2015/104
Section 81(12)	9th January 2015	2014/353
Section 82	26th January 2015	2014/353
Section 83	26th January 2015	2014/353
Section 84	26th January 2015	2014/353
Section 85	26th January 2015	2014/353
Section 86	26th January 2015	2014/353
Section 87	26th January 2015	2014/353
Section 88	26th January 2015	2014/353
Section 89	26th January 2015	2014/353
Section 90	26th January 2015	2014/353
Section 91 (partially)	1st August 2014	2014/131
Section 93(6) (partially)	1st August 2014	2014/131
Section 93 (so far as not already in force)	5th January 2014	2014/314
Section 94	1st August 2014	2014/131
Section 96 (partially)	1st August 2014	2014/131
Section 96 (partially)	1st April 2015	2015/61

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 97	1st August 2014	2014/131
Section 98 (partially)	28th June 2014	2014/131
Section 98 (partially)	1st August 2014	2014/131
Section 98 (partially)	5th January 2015	2014/314
Section 98 (partially)	26th January 2015	2014/353
Section 98 (partially)	1st April 2015	2015/61
Section 98 (partially)	30th September 2015	2015/317
Schedule 4	1st April 2015	2015/61
Schedule 5, paragraph 1	1st August 2014	2014/131
Schedule 5, paragraph 2(1) and (6)	28th June 2014	2014/131
Schedule 5, paragraph 2(2)	1st August 2014	2014/131
Schedule 5, paragraph 2(3)	5th January 2015	2014/314
Schedule 5, paragraph 2(4)(b) (partially)	1st August 2014	2014/131
Schedule 5, paragraph 2(4) (so far as not already in force)	5th January 2015	2014/314
Schedule 5, paragraph 2(5)(b) (partially)	1st August 2014	2014/131
Schedule 5, paragraph 2(5) (so far as not already in force)	5th January 2015	2014/314
Schedule 5, paragraph 3(1) and (2)	26th January 2015	2014/353
Schedule 5, paragraph 4(1) and (4)	30th September 2015	2015/317
Schedule 5, paragraph 5(1) and (2)	30th September 2015	2015/317
Schedule 5, paragraph 6	1st August 2014	2014/131
Schedule 5, paragraph 7	28th June 2014	2014/131
Schedule 5, paragraph 8	1st April 2015	2015/61
Schedule 5, paragraph 10	1st August 2014	2014/131
Schedule 5, paragraph 11(1), (5) and (6) (partially)	30th September 2015	2015/317
Schedule 5, paragraph 12(1) to (9)	26th January 2015	2014/353
Schedule 5, paragraph 12(10)	30th September 2015	2015/317
