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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 317 (C. 38)**

**CHILDREN AND YOUNG PERSONS**

**The Children and Young People (Scotland) Act 2014  
(Commencement No. 9 and Saving Provision) Order 2015**

*Made* - - - - *1st September 2015*  
*Laid before the Scottish*  
*Parliament* - - - - *3rd September 2015*  
*Coming into force* - - *30th September 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 102(3) and (4) of the Children and Young People (Scotland) Act 2014<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Children and Young People (Scotland) Act 2014 (Commencement No. 9 and Saving Provision) Order 2015 and comes into force on 30th September 2015.

(2) In this Order, “the 2014 Act” means the Children and Young People (Scotland) Act 2014.

**Appointed day**

2.—(1) 30th September 2015 is the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the Schedule to this Order (the subject matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision specified in column 1 of the Schedule, that provision comes into force on 30th September 2015 for that purpose only.

**Saving provision**

3. Despite article 2 appointing 30th September 2015 as the day on which paragraph 4(4) of schedule 5 to the 2014 Act (modification of the 1995 Act) comes into force, section 44 of the 1995 Act (prohibition of publication of proceedings at children’s hearing)<sup>(2)</sup> continues to have effect on

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(1) [2014 asp 8](#).

(2) Section 97(1) of the 2014 Act defines “the 1995 Act” as meaning the Children (Scotland) Act (c.36). Section 44 is amended by the Criminal Justice (Scotland) Act [2003 \(asp 7\)](#), section 52(a); the Adoption and Children (Scotland) Act [2007 \(asp 4\)](#), schedule 2, paragraph 9(5); and the 2014 Act, schedule 5, paragraph 4(4).

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and after that date as it had effect immediately before that date in relation to any proceedings or appeal mentioned in subsection (1) of that section which—

- (a) have or has concluded as at that date; or
- (b) are or is continuing on that date.

St Andrew's House, Edinburgh  
1st September 2015

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

<i>Column 1 Provisions of the 2014 Act</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Purpose</i>
Section 8	Requirement to prepare children's services plan	So far as is necessary to enable the Scottish Ministers to make orders under section 8(2)(a) of the 2014 Act
Section 75	Scotland's Adoption Register	So far as is necessary to enable the Scottish Ministers to make regulations under section 13A(2) of the Adoption and Children (Scotland) Act 2007 <sup>(3)</sup>
Section 98	Modification of enactments (consequential amendments)	For the purpose of commencing paragraphs 4(1) and (4), 5(1) and (2), 11(1), (5) and (6) and 12(10) of schedule 5 to the 2014 Act
Schedule 5, paragraph 4(1) and (4)	Consequential amendments	
Schedule 5, paragraph 5(1) and (2)	Consequential amendments	
Schedule 5, paragraphs 11(1), (5) and (6)	Consequential amendments	So far as is necessary to enable the Scottish Ministers to make regulations under section 13A(2) of the Adoption and Children (Scotland) Act 2007
Schedule 5, paragraph 12(10)	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 partially commences section 8 of the 2014 Act on 30th September 2015 for the limited purpose of enabling Scottish Ministers to make orders in accordance with the powers contained in that provision (article 2 and the Schedule). This section relates to powers in Part 3 of the 2014 Act (children's services planning).

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(3) 2007 asp 4. Section 13A is inserted by section 75 of the 2014 Act.

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Section 75 of the 2014 Act (Scotland's Adoption Register) and paragraphs 11(1), (5) and (6) of schedule 5 to the 2014 Act are partially commenced by this Order on 30th September 2015 so far as necessary to enable Scottish Ministers to make regulations under section 13A(2) of the Adoption Children (Scotland) Act 2007.

This Order also partially commences section 98 of the 2014 Act (modification of enactments) for the purpose of commencing paragraphs 4(1) and (4), 5(1) and (2), and 12(10) of schedule 5 to the 2014 Act on 30th September 2015.

Article 3 makes saving provision so that, despite this Order commencing paragraph 4(4) of schedule 5 to the 2014 Act on 30th September 2015, section 44 of the Children (Scotland) Act 1995 (prohibition of publication of proceedings at children's hearing) continues to have the same effect on and after that date as it had immediately before that date in relation to any proceedings or appeals mentioned in section 44(1) which have concluded, or are continuing, on that date.

### **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 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
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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
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 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
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

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 81(7)	9th January 2015	2014/353
Section 81(8)(b) (partially)	1st August 2014	2014/165
Section 81(8) (so far as not already in force)	30th March 2015	2015/104
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 commenced)	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
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
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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule 5, paragraph 2(3)	5th January 2015	<a href="#">2014/314</a>
Schedule 5, paragraph 2(4)(b) (partially)	1st August 2014	<a href="#">2014/131</a>
Schedule 5, paragraph 2(4) (so far as not already commenced)	5th January 2015	<a href="#">2014/314</a>
Schedule 5, paragraph 2(5)(b) (partially)	1st August 2014	<a href="#">2014/131</a>
Schedule 5, paragraph 2(5) (so far as not already commenced)	5th January 2015	<a href="#">2014/314</a>
Schedule 5, paragraph 3(1) and (2)	26th January 2015	<a href="#">2014/353</a>
Schedule 5, paragraph 6	1st August 2014	<a href="#">2014/131</a>
Schedule 5, paragraph 7	28th June 2014	<a href="#">2014/131</a>
Schedule 5, paragraph 8	1st April 2015	<a href="#">2015/61</a>
Schedule 5, paragraph 10	1st August 2014	<a href="#">2014/131</a>
Schedule 5, paragraph 12(1) to (9)	26th January 2015	<a href="#">2014/353</a>