

**2011 No. 1345**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**CHILDREN AND YOUNG PERSONS**

**The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) (Amendment) Order 2011**

<i>Made</i> - - - -	<i>26th May 2011</i>
<i>Laid before Parliament</i>	<i>2nd June 2011</i>
<i>Coming into force</i> - -	<i>30th June 2011</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(4) and (5) of the Scotland Act 1998<sup>(a)</sup>:

**Citation and commencement**

**1.** This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Consequential Provisions) (Amendment) Order 2011 and comes into force on 30th June 2011.

**Amendment of the Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010**

**2.** The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010<sup>(b)</sup> is amended as follows.

**3.** Article 6 is omitted.

26th May 2011

*Tim Loughton*  
Parliamentary Under Secretary of State  
Department for Education

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<sup>(a)</sup> 1998 c.46.  
<sup>(b)</sup> S.I. 2010/2469.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 (“the 2010 Order”) made under section 104 of the Scotland Act 1998 came into force on 2<sup>nd</sup> November 2010 and made modifications to the Adoption and Children Act 2002 and the Adoption (Northern Ireland) Order 1987, in consequence of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”).

The 2007 Act provides for the making of permanence orders which grant authority to adopt a child, and which replace freeing orders made under the Adoption (Scotland) Act 1978.

The 2010 Order provides that references in the Adoption and Children Act 2002 and in the Adoption (Northern Ireland) Order 1987 to freeing orders made under the Adoption (Scotland) Act 1978, have effect as if they were references to a child subject to a Scottish permanence order.

Article 6 of the 2010 Order provides that that Order ceases to have effect at the end of the period of eight months from the day on which it came into force (2<sup>nd</sup> July 2011). This was in anticipation of a comprehensive Order under section 104 of the Scotland Act 1998 being made by the Secretary of State within that period and, as that comprehensive Order has not yet come into force, this Order revokes article 6 of the 2010 Order so that it continues in force.

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