



Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006

2006 asp 3

PART 3

GENERAL

7 Interpretation

(1) In this Act—

“child” means a person under 18 years of age;

“children's services” means services provided predominantly to, or for the benefit of, children to which the provisions of section 15(1) of the Local Government in Scotland Act 2003 (asp 1) apply;

“inspector” means a person appointed under section 4;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);

“medical records” means records relating to the physical or mental health of an individual;

“medically qualified inspector” means an inspector who is a registered medical practitioner;

“registered medical practitioner” shall be construed in accordance with section 2 of the Medical Act 1983 (c. 54);

“relevant medical records” means medical records which have been prepared by a registered medical practitioner who is, or has been, responsible for the clinical care of the individual to whom the records relate;

“social work service” means—

- (a) a service which is provided by a local authority in the exercise of any of their social work services functions; or
- (b) a service which is provided by another person pursuant to arrangements made by a local authority in the exercise of their social work services functions;

Status: This is the original version (as it was originally enacted).

“social work services functions” means functions under the enactments specified in subsection (2).

(2) The enactments referred to in the definition of “social work services functions” in subsection (1) are—

- (a) Part IV of the Children and Young Persons (Scotland) Act 1937 (c. 37);
- (b) sections 22(2) to (5A) and (8), 26(2) to (4), 43, 45, 47 and 48 of the National Assistance Act 1948 (c. 29);
- (c) the Disabled Persons (Employment) Act 1958 (c. 33);
- (d) section 11 of the Matrimonial Proceedings (Children) Act 1958 (c. 40);
- (e) the Social Work (Scotland) Act 1968 (c. 49);
- (f) the Social Work (Scotland) Act 1968 as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 (c. 44) and the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33);
- (g) the Children Act 1975 (c. 72);
- (h) the Adoption (Scotland) Act 1978 (c. 28);
- (i) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41);
- (j) the Foster Children (Scotland) Act 1984 (c. 56);
- (k) sections 38(b) and 235 of the Housing (Scotland) Act 1987 (c. 26);
- (l) Part II of the Children (Scotland) Act 1995 (c. 36);
- (m) section 51 of the Criminal Procedure (Scotland) Act 1995 (c. 46);
- (n) section 10 of the Adults with Incapacity (Scotland) Act 2000 (asp 4);
- (o) the Community Care and Health (Scotland) Act 2002 (asp 5);
- (p) the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

(3) The list of enactments in subsection (2) may be amended by regulations.

(4) For the purposes of this Act, information is “confidential information” where—

- (a) the identity of an individual is ascertainable—
 - (i) from that information; or
 - (ii) from that information and other information which is in the possession of, or is likely to come into the possession of, the person holding that information; and
- (b) the information was obtained or generated by a person who, in the circumstances, owed an obligation of confidence to that individual.