



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART I

ADMINISTRATION

Performance of their duties by local authorities

1 Local authorities for the administration of the Act.

- (1) It shall be the duty of a local authority to enforce and execute within their area the provisions of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.
- (2) The local authorities for the purposes of this Act shall be [^{F1}regional and islands councils.]
- (3) ^{F2}
- (4) The functions of local health authorities in respect of their areas under the following enactments—
 - (a) ^{F3} . . .
 - (b) the [^{F4}Mental Health (Scotland) Act 1984] . . . ^{F5, F6} . . .
 - ^{F7}(c)

are hereby transferred to the local authorities of those areas.

- (5) On the date of the commencement of Part III of this Act the functions of education authorities in relation to the establishments which immediately before that date were approved schools and the children resident therein shall be transferred to the local authorities in whose areas the said children are ordinarily resident or, in the case of children who have no ordinary residence in Scotland, such local authorities as the Secretary of State may determine.
- (6) ^{F2}

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Textual Amendments

- F1** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 183**
- F2** [S. 1\(3\)\(6\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**
- F3** [S. 1\(4\)\(a\)](#) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), **s. 108(7) Sch. 15**; S.I. 1991/828, **art.3(2)**
- F4** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127(1), **Sch. 3 para. 14**
- F5** Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58, SIF 113:2\)](#), **Sch. 7 Pt. II**
- F6** Word repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F7** [S. 1\(4\)\(c\)](#) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

2 The social work committee .

- (1) Every local authority shall establish a social work committee for the purposes of their functions under this Act.
- (2) Except as otherwise expressly provided, all matters relating to the performance of their functions under the following enactments—
- (a) this Act [^{F8}as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act ^{M1}1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986],
 - (b) Part IV of the ^{M2}Children and Young Persons (Scotland) Act 1937,
 - [^{F9}(bb) the ^{M3}Disabled Persons (Employment) Act 1958]
 - (c) sections 10 to 12 of the ^{M4}Matrimonial Proceedings (Children) Act 1958, [^{F10}and sections 11 and 12 of the ^{M5}Guardianship Act 1973]
 - (d) [^{F11}the Foster Children (Scotland) Act 1984],
 - (e) the ^{M6}Adoption Act 1958,
 - (f) section 101(1) of the ^{M7}Housing Act 1964, and
 - [^{F12}(ff) section 9(1)(b) of the ^{M8}Housing (Homeless Persons) Act 1977,]
 - (g) the enactments mentioned in subsection (4) of the foregoing section,
 - [^{F13}(h) the ^{M9}Children Act 1975,]
 - [^{F14}(j) the ^{M10}Adoption (Scotland) Act 1978,]
 - [^{F15}(k) section 19 and Part X of the Children Act 1989,]
 - [^{F16}(l) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
 - (m) the Access to Personal Files Act 1987.]
- shall stand referred to the social work committee, and before exercising any of the said functions the authority shall, unless the matter is urgent, consider a report of the social work committee with respect thereto.
- (3) ^{F17}
- (4) Sections 39 and 40 of the ^{M11}Children Act 1948 (provisions relating to establishment of children’s committee) shall cease to have effect.

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Textual Amendments

- F8** Words inserted by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), **s. 12(2)**
- F9** [S. 2\(2\)\(bb\)](#) inserted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 184**
- F10** Words added by [Guardianship Act 1973 \(c. 29, SIF 49:10\)](#), **Sch. 5 para. 7**
- F11** Words substituted by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), s. 22, **Sch. 2 para. 4**
- F12** [S. 2\(2\)\(ff\)](#) added by [Housing \(Homeless Persons\) Act 1977 \(c. 48, SIF 61\)](#), **s. 20(3)**
- F13** [S. 2\(2\)\(h\)](#) inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **Sch. 3 para. 48**
- F14** [S. 2\(2\)\(j\)](#) inserted by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 67(2), Sch. 2 paras 3, **5**. Sch. 3 para. 8
- F15** [S. 2\(2\)\(k\)](#) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), **Sch. 13 para. 18**; S.I. 1991/828, **art. 3(2)**
- F16** [S. 2\(2\)\(l\)\(m\)](#) inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(2)**
- F17** [S. 2\(3\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**

Modifications etc. (not altering text)

- C1** [s. 2](#) extended by [Local Government Act \(Scotland\) Act 1975 \(c. 30, SIF 81:2\)](#), **s. 23(2)**
- C2** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1970 c.44\(81:3\)](#).
- M2** [1937 c. 37](#).
- M3** [1958 c. 33](#).
- M4** [1958 c. 40](#).
- M5** [1973 c. 29](#).
- M6** [1958 c. 5 \(7 & 8 Eliz. 2\)](#).
- M7** [1964 c. 56](#).
- M8** [1977 c. 48](#).
- M9** [1975 c. 72](#).
- M10** [1978 c. 28](#).
- M11** [1948 c. 43](#).

3 The director of social work.

- (1) For the purposes of their functions under the enactments referred to in section 2(2) of this Act, a local authority shall, in accordance with the provisions of this section, appoint an officer, to be known as the director of social work.
- (2) The qualifications of the director of social work shall be such as the Secretary of State may prescribe.
- (3) ^{F18}
- (5) The director of social work shall hold his office during the pleasure of the local authority, but he shall not be removed therefrom, or be required to resign as an alternative thereto, except by a resolution of that authority passed by not less than two-

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thirds of the members present at a meeting of the authority, notice of which specifies as an item of business the consideration of the removal from office of the director of social work or his being required to resign.

- (6) The director of social work of a local authority shall not, except with the consent of the Secretary of State, be employed by that authority in any other capacity.
- (7) A local authority shall secure the provision of adequate staff for assisting the director of social work in the performance of his functions.
- (8) The provisions as to remuneration and tenure of office contained in [F19section 64 of the M12Local Government (Scotland) Act 1973], so far as these provisions are not inconsistent with any of the foregoing provisions of this section, shall apply to directors of social work and their staffs.
- (9) Section 41 of the M13Children Act 1948 (children’s officer) shall cease to have effect.

Textual Amendments

F18 S. 3(3)(4) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 4](#)

F19 Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#) s. 237(2)

Modifications etc. (not altering text)

C3 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M12 1973 c. 65.

M13 1948 c. 43.

4 Provisions relating to performance of functions by local authorities.

Where a function is assigned to a local authority under this Act [F20or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984,] and a voluntary organisation or other person, including another local authority, is able to assist in the performance of that function, the local authority may make arrangements with such an organisation or other person for the provision of such assistance as aforesaid.

Textual Amendments

F20 Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 9 para. 10\(3\)](#)

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Central Authority

5 Powers of Secretary of State.

(1) Local authorities shall perform their functions under this Act under the general guidance of the Secretary of State.

[^{F21}(1A) Without prejudice to subsection (1) above, the Secretary of State may issue directions to local authorities, either individually or collectively, as to the manner in which they are to exercise any of their functions under this Act or any of the enactments mentioned in section 2(2) of this Act; and a local authority shall comply with any direction made under this subsection.]

[^{F22}(2) The Secretary of State may make regulations in relation to—

- (a) the performance of the functions assigned to local authorities by this Act;
- (b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes;
- (c) the performance of the functions referred to social work committees under section 2(2)(b) to (e) [^{F23}(h)][^{F24}to (k)] of this Act;

[^{F25}(d) ...]

(3) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision for the boarding-out of persons by local authorities and voluntary organisations, whether under any enactment or otherwise, and may provide—

- (a) for the recording by local authorities and voluntary organisations of information relating to persons with whom persons are boarded out as aforesaid, and to persons who are willing to have persons boarded out with them;
- (b) for securing that persons shall not be boarded out in any household unless that household is for the time being approved by such local authority or voluntary organisation as may be prescribed by the regulations;
- (c) in the case of a child, for securing that, where possible, the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child shall be brought up in that religious persuasion;
- (d) for securing that persons boarded out as aforesaid, and the places in which they are boarded out, shall be supervised and inspected by a local authority or voluntary organisation, as the case may be, and that those persons shall be removed from those places if their welfare appears to require it.

Textual Amendments

F21 S. 5(1A) inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 51](#)

F22 S. 5(2) substituted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 3 para. 49](#)

F23 Words substituted by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), [s. 67\(2\)](#), [Sch. 2 paras. 3, 5](#), [Sch. 3 para. 9](#)

F24 Words in [s. 5\(2\)\(c\)](#) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108\(5\)](#), [Sch. 13 para. 19](#); [S.I. 1991/828](#), [art. 3\(2\)](#)

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F25 S. 5(2)(d) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch. 15, S.I. 1991/828](#), art.3(2)

[^{F26}5A Local authority plans for community care services.

- (1) Within such period after the day appointed for the coming into force of this section as the Secretary of State may direct, and in accordance with the provisions of this section, each local authority shall prepare and publish a plan for the provision of community care services in their area.
- (2) Each local authority shall from time to time review any plan prepared by them under subsection (1) above, and shall, in the light of any such review, prepare and publish—
 - (a) any modifications to the plan under review; or
 - (b) if the case requires, a new plan.
- (3) In preparing any plan or carrying out any review under subsection (1) or, as the case may be, subsection (2) above the authority shall consult—
 - (a) any Health Board providing services under the National Health Service (Scotland) Act ^{M14}1978 in the area of the authority;
 - (b) in so far as the plan or, as the case may be, the review may affect or be affected by the provision or availability of housing, every district council in the area of the authority;
 - (c) such voluntary organisations as appear to the authority to represent the interests of persons who use or are likely to use any community care services within the area of the authority or the interests of private carers who, within that area, provide care to persons for whom, in the exercise of their functions under this Act or any of the enactments mentioned in section 2(2) of this Act, the local authority have a power or a duty to provide, or to secure the provision of, a service;
 - (d) such voluntary housing agencies and other bodies as appear to the authority to provide housing or community care services in their area; and
 - (e) such other persons as the Secretary of State may direct.

(4) In this section—

“community care services” means services, other than services for children, which a local authority are under a duty or have a power to provide, or to secure the provision of, under Part II of this Act or section 7 (functions of local authorities), 8 (provision of after-care services) or 11 (training and occupation of the mentally handicapped) of the Mental Health (Scotland) Act 1984; and

“private carer” means a person who is not employed to provide the care in question by any body in the exercise of its functions under any enactment.]

Textual Amendments

F26 Ss. 5A, 5B inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 52

Marginal Citations

M14 1978 c. 29 (113:2).

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5B Complaints procedure.

- (1) Subject to the provisions of this section, the Secretary of State may by order require local authorities to establish a procedure whereby a person, or anyone acting on his behalf, may make representations (including complaints) in relation to the authority's discharge of, or failure to discharge, any of their functions under this Act, or any of the enactments referred to in section 2(2) of this Act, in respect of that person.
- (2) For the purposes of subsection (1) of this section, "person" means any person for whom the local authority have a power or a duty to provide, or to secure the provision of, a service, and whose need or possible need for such a service has (by whatever means) come to the attention of the authority.
- (3) An order under subsection (1) of this section may be commenced at different times in respect of such different classes of person as may be specified in the order.
- (4) In relation to a child, representations may be made by virtue of subsection (1) above by the child, or on his behalf by—
 - (a) his parent;
 - (b) any person having parental rights in respect of him;
 - (c) any local authority foster parent; or
 - (d) any other person appearing to the authority to have a sufficient interest in the child's wellbeing to warrant his making representations on the child's behalf.
- (5) In this section—

"child" means a child under the age of 18 years; and

"parent" and "parental rights" have the same meaning as in section 8 (interpretation) of the Law Reform (Parent and Child) (Scotland) Act 1986.
- (6) A local authority shall comply with any directions given by the Secretary of State as to the procedure to be adopted in considering representations made as mentioned in subsection (1) of this section and as to the taking of such action as may be necessary in consequence of such representations.
- (7) Every local authority shall give such publicity to the procedure established under this section as they consider appropriate.

6 Supervision of establishments providing accommodation for persons and inspection of records etc.

- (1) Any [^{F27}person duly authorised by] the Secretary of State may enter any of the following places for the purpose of making such examinations into the state and management of the place [^{F28}the facilities and services provided therein], and the condition and treatment of the persons in it, as he thinks necessary and for the purpose of inspecting any records or registers [^{F29}(in whatever form they are held) relating to the place or to any person for whom services have been or are provided there] by virtue of this Act [^{F30}or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984], that is to say—
 - (a) any residential or other establishment provided by a local authority or a voluntary organisation or other person for the purposes of this Act [^{F31}or section 7 or 8 of the said Act of 1984,];
 - (b) any place where there is being maintained—

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- (i) a foster child within the meaning of the [^{F32}Foster Children (Scotland) Act 1984],
 - (ii) a protected child within the meaning of [^{F33}section 32 of the ^{M15}Adoption (Scotland) Act 1978];
 - [^{F34}(iii) a child who has been placed for adoption by an adoption agency (within the meaning of section 1 of the [^{F35M16}Adoption Act 1978]);]
 - (c) any place where any person is for the time being boarded out by a local authority or a voluntary organisation;
 - (d) ^{F36}
- (2) Any such [^{F37}person] as aforesaid may at all reasonable times enter the offices of a local authority or of a voluntary organisation for the purpose of inspecting any records or registers relating to any establishment or place mentioned in the foregoing subsection or relating to any persons to whom the authority or organisation has made available advice, guidance or assistance in pursuance of this Act [^{F38}or section 7 or 8 of the said Act of 1984], or who may require such advice, guidance or assistance, and may carry out that inspection.
- [^{F39}(2A) Any such person may require the owner of, or any person employed in, the establishment or place in question to furnish him with such information as he may request.
- (2B) In exercising the power to inspect records and registers under this section a person—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or register in question; and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used; or
 - (ii) any person having charge of or otherwise concerned with the operation of the computer, apparatus or material,
 to give him such reasonable assistance as he may require.
- (2C) In exercising the power to inspect places under this section a person—
- (a) may interview any person residing there in private—
 - (i) for the purpose of investigating any complaint as to that place or the services provided there; or
 - (ii) if he has reason to believe that the services being provided there for that person are not satisfactory; and
 - (b) may examine any such person in private.
- (2D) No person may—
- (a) exercise the power to inspect records or registers under subsection (1) and (2) above so as to inspect medical records; or
 - (b) exercise the power conferred by subsection (2C)(b) above,
- unless he is a registered medical practitioner and, in the case of the power conferred by subsection (1) or (2) above, the records or register relate to medical treatment given at the place in question.]
- (3) The power conferred by subsection (1) of this section may be exercised in respect of any place which an [^{F40}authorised person] has reasonable cause to believe to be used

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as an establishment in respect of which the person carrying on the establishment is registrable under Part IV of this Act.

- (4) [^{F41}A person] who proposes to exercise any power of entry or inspection conferred by this section shall, if so required, produce a duly authenticated document showing his authority to exercise the power.
- (5) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F42}level 4 on the standard scale].

Textual Amendments

- F27** Words in s. 6(1) substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(a)(i)**; S.I. 1990/2510, art. 2, **Sch.**
- F28** Words in s. 6(1) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 53(2); S.I. 1990/2510, art. 2, **Sch.**
- F29** Words in s. 6(1) substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 53(3); S.I. 1990/2510, art. 2, **Sch.**
- F30** Words in s. 6(1) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(a)(ii)**; S.I. 1990/2510, art. 2, **Sch.**
- F31** Words in s. 6(1)(a) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(b)**; S.I. 1990/2510, art. 2, **Sch.**
- F32** Words substituted by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), s. 22, **Sch. 2 para. 5**
- F33** Words substituted by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 67(2), Sch. 2 paras. 3, 5, **Sch. 3 para. 10(a)**
- F34** S. 6(1)(b)(iii) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **Sch. 3 para. 50**
- F35** Words substituted by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 67(2), Sch. 2 paras. 3, 5, **Sch. 3 para. 10(b)**
- F36** S. 6(1)(d) repealed by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **Sch. 4 Pt. II**
- F37** Words in s.6(2) substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(c)(i)**; S.I. 1990/2510, art. 2, **Sch.**
- F38** Words in s. 6(2) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(c)(ii)**; S.I. 1990/2510, art. 2, **Sch.**
- F39** S. 6(2A)–(2D) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 53(4); S.I. 1990/2510, art. 2, **Sch.**
- F40** Words in s. 6(3) substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(d)**; S.I. 1990/2510, art. 2, **Sch.**
- F41** Words in s. 6(4) substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 10(4)(e)**; S.I. 1990/2510, art. 2, **Sch.**
- F42** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289C(1), **Sch. 7C** (as inserted by Criminal Law Act 1977 (c. 45, SIF 39:1), s. 63(1), Sch. 11 paras. 5, 13) and s. 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 54) and by 1995 c. 40, ss. 3, 7(2), **Sch. 1 para. 3(1), Sch. 2 Pt. II** it is provided (1.4.1996) that s. 6(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine of £10 for a first offence and £50 for a second or subsequent offence

Marginal Citations

- M15** 1978 c. 28.
- M16** 1978 c. 28.

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[^{F43}6A Inquiries.

- (1) The Secretary of State may cause an inquiry to be held into the functions of a local authority under this Act or any of the enactments mentioned in section 2(2) of this Act, except in so far as those functions relate to persons under the age of 18.
- (2) The Secretary of State may, before an inquiry is commenced, direct that it shall be held in private, but where no such direction has been given the person holding the inquiry may if he thinks fit hold it or any part of it in private.
- (3) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act ^{M17}1973 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section.]

Textual Amendments

F43 S. 6A inserted(1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 54](#)

Marginal Citations

M17 1973 c. 65 (81:2).

VALID FROM 01/04/1997

[^{F44}6B Local authority inquiries into matters affecting children.

- (1) Without prejudice to section 6A(1) of this Act, a local authority may cause an inquiry to be held into their functions under this Act, or any of the enactments mentioned in section 5(1B) of this Act, in so far as those functions relate to children.
- (2) The local authority may, before an inquiry under this section is commenced, direct that it be held in private; but where no such direction is given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.
- (3) Subsections (2) to (6) of section 210 of the ^{M18}Local Government (Scotland) Act 1973 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section, so however that, for the purposes of the application, any reference in those subsections to a Minister shall be construed as a reference to the local authority and any reference to an officer of his Department as a reference to an officer of that authority.
- (4) The expenses incurred by a local authority in relation to an inquiry under this section (including such reasonable sum as the authority may determine for the services of any of their officers engaged in the inquiry) shall, unless the authority are of the opinion that those expenses should be defrayed in whole or in part by them, be paid by such party to the inquiry as they may direct; and the authority may certify the amount of the expenses so incurred.
- (5) Any sum certified under subsection (4) above and to be defrayed in accordance with a direction under that subsection shall be a debt due by the party directed and shall be recoverable accordingly.

Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Social Work (Scotland) Act 1968, Part I is up to date with all changes known to be in force on or before 13 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) The local authority may make an award as to the expenses of the parties at the inquiry and as to the parties by whom such expenses shall be paid.]

Textual Amendments

F44 S. 6B inserted (1.4.1997) by 1995 c. 36, s. 100 (with s. 103(1)); S.I. 1996/3201, art. 3(7) (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, art. 2 (with transitional provisions inserted into S.I. 1996/3201 by art. 3))

Marginal Citations

M18 1973 c.45.

7 F45

Textual Amendments

F45 S. 7 repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), Sch. 4

Research, training courses and financial and other assistance

8 Research.

- (1) The Secretary of State may conduct or assist other persons in conducting research into any matter connected with his functions or the functions of local authorities in relation to social welfare, and with the activities of voluntary organisations connected with those functions.
- (2) Any local authority may conduct or assist other persons in conducting research into any matter connected with their functions in relation to social welfare.
- (3) The Secretary of State and any local authority may make financial assistance available in connection with any research which they may conduct or which they may assist other persons in conducting under the provisions of this section.

9 Training courses and grants for training in social work.

- (1) The Secretary of State may provide courses of training for persons with a view to, or in the course of, their employment or the use of their services for the purposes of this Act.
- (2) The Secretary of State may make grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards any fees or expenses incurred by persons undergoing training for any of the purposes of this Act in circumstances such that it appears to the Secretary of State requisite that the grants should be made, and may defray or contribute towards the cost of maintenance of persons undergoing such training.

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- (3) The Secretary of State may make grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred by any body of persons in providing training as aforesaid.

10 Financial and other assistance to voluntary organisations etc., for social work.

- (1) The Secretary of State may make grants and loans of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred by voluntary organisations or other persons engaged in any activity connected

(a) his functions; [^{F46}with—

(b) the functions of local authorities,

under this Act or under the enactments specified in paragraph (a) of section 1(4) and paragraphs (b) to (e) [^{F47}(h) and (j)] of section 2(2) of this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.]

- (2) The conditions on which any grants are paid under the foregoing subsection may include conditions for securing the repayment in whole or in part of such grants.

- (3) A local authority may make contributions by way of grant or loan to any voluntary organisation the sole or primary object of which is to promote social welfare.

[^{F48}(3A) In subsection (3) above, “voluntary organisation the sole or primary object of which is to promote social welfare” includes an adoption society approved under Part I of the [^{F49M19}Adoption (Scotland) Act 1978].]

- (4) A local authority may also make available to such a voluntary organisation as aforesaid the use of premises belonging to the authority on such terms as may be agreed, and furniture, vehicles or equipment (whether by way of gift, loan or otherwise) and the services of any staff employed by the authority in connection with the premises or other things belonging to the local authority which the voluntary organisation is permitted to use.

- (5) On the commencement of this Act, the power of the Secretary of State to give financial assistance and of local authorities to give financial and other assistance under [^{F50}section] 65 of the ^{M20}Health Services and Public Health Act 1968 [^{F51}and section 16B of the ^{M21}National Health Service (Scotland) Act 1978] shall cease in so far as any such assistance may be given under this section.

Textual Amendments

- F46** Words substituted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 3 para. 51\(a\)](#)
- F47** Words substituted by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 67(2), Sch. 2 paras. 3, 5, [Sch. 3 para. 11](#)
- F48** [S. 10\(3A\)](#) inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 2 para. 51\(b\)](#)
- F49** Words substituted by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 67(2), Sch. 2 paras 3, 5, [Sch. 3 para. 12](#)
- F50** Word substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 9 Pt. I para. 8 \(a\)](#)
- F51** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 9 Pt. I para. 8\(b\)](#)

Marginal Citations

- M19** 1978 c. 28.

Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

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M20 1968 c. 46.

M21 1978 c. 29.

Acquisition of land

11 Acquisition of land.

- (1) A local authority may be authorised by the Secretary of State to purchase compulsorily any land, whether situated in or outside their area for the purposes of any of their functions under this Act.
- (2) The ^{M22}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this section as if the last foregoing subsection had been in force immediately before the commencement of that Act.

Marginal Citations

M22 1947 c. 42.

Status:

Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

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