



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}

Status: Point in time view as at 14/10/1991.

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- F2** [S. 1\(3\)\(6\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**
- F3** [S. 1\(4\)\(a\)](#) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), **s. 108(7) Sch. 15**; S.I. 1991/828, **art.3(2)**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- F5** Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58, SIF 113:2\)](#), **Sch. 7 Pt.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- F6** Word repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F7** [S. 1\(4\)\(c\)](#) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**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