



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 [^{F1}or Part II of the Children (Scotland) Act 1995] 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 [^{F2}councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994]
- (3) ^{F3}
- (4) The functions of local health authorities in respect of their areas under the following enactments—
 - (a) ^{F4} . . .
 - (b) the [^{F5}Mental Health (Scotland) Act 1984] . . . ^{F6, F7} . . .
 - ^{F8}(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) ^{F3}

Status: Point in time view as at 12/12/1996.

Changes to legislation: Social Work (Scotland) Act 1968, Cross Heading: Performance of their duties by local authorities is up to date with all changes known to be in force on or before 15 April 2024. 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)

Textual Amendments

- F1** Words in s. 1(1) inserted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(2)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(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**))
- F2** Words in s. 1(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 76(2)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F3** S. 1(3)(6) repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 29**
- F4** S. 1(4)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108(7) Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F5** Words substituted by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(1), **Sch. 3 para. 14**
- F6** Words repealed by National Health Service (Scotland) Act 1972 (c. 58, SIF 113:2), **Sch. 7 Pt. II**
- F7** Word repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**
- F8** 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**

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Textual Amendments

- F9** S. 2 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

[**F10**3 **F10** Chief social work officer.

- (1) For the purposes of their functions under this Act and the enactments mentioned in section 5(1B) of this Act, a local authority shall appoint an officer to be known as the chief social work officer.
- (2) The qualifications of the chief social work officer shall be such as may be prescribed by the Secretary of State.]

Textual Amendments

- F10** S. 3 substituted (1.4.1996) by 1994 c. 39, s. 45; S.I. 1996/323, art. 4(1)(a), **Sch. 1**

4 Provisions relating to performance of functions by local authorities.

Where a function is assigned to a local authority under this Act [**F11** or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984 [**F12** or Part II of the Children (Scotland) Act 1995],] 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.

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Textual Amendments

- F11** 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)**
- F12** Words in s. 4 inserted (12.12.1996 for certain purposes and otherwise 1.4.1997) by [1995 c. 36](#), s. 105(4), **Sch. 4 para. 15(3)** (with s. 103(1)); [S.I. 1996/3201](#), **art. 3(6)(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**))

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