



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART II

PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

[^{F1} Residential accommodation with nursing.]

Textual Amendments

- F1** S. 13A and crossheading inserted (1.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 56; S.I. 1992/2975, art. 2(2), [Sch.](#)

13A ^{F2} **Residential accommodation with nursing.**

(1) Without prejudice to section 12 of this Act, a local authority shall

^{F3}(a) provide and maintain;]^{F4} or]

^{F5}(b) make such arrangements as they consider appropriate and adequate for the provision of]

suitable residential accommodation where nursing is provided for persons who appear to them to be in need of such accommodation by reason of infirmity, age, illness or mental disorder, dependency on drugs or alcohol or being substantially handicapped by any deformity or disability.

^{F6}(2) ^{F7} . . . Arrangements made by virtue of subsection (1) above shall be made with a voluntary or other organisation or other person, being an organisation or person providing—

- (a) an independent health care service which is a private psychiatric hospital; or
- (b) a care home service.

^{F8}(2A) In subsection (2)(a) above, “independent health care service” and “private psychiatric hospital” have the same meanings as in section 10F of the [National Health Service \(Scotland\) Act 1978 \(c.29\)](#).]

Changes to legislation: Social Work (Scotland) Act 1968, Cross Heading: Residential accommodation with nursing, is up to date with all changes known to be in force on or before 15 July 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) View outstanding changes

[^{F9}(2B) In subsection (2)(b) above, “care home service” has the same meaning as in paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8).]

(3) The provisions of section 6 of this Act apply in relation to premises where accommodation is provided for the purposes of this section as they apply in relation to establishments provided for the purposes of this Act.

^{F10}(4) No arrangements under subsection (1) above may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

- (a) because he is destitute; or
- (b) because of the physical effects, or anticipated physical effects, of his being destitute.

^{F10}(5) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (4) above as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.]

Textual Amendments

- F2** S. 13A and crossheading inserted (1.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 56; S.I. 1992/2975, art. 2(2), **Sch.**
- F3** S. 13A(1)(a) inserted (1.4.2002) by [2001 asp 8](#), s. 72(a)(i); S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F4** Word in s. 13A(1) inserted (1.4.2002) by [2001 asp 8](#), s. 72(a)(ii); S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F5** Words in s. 13A(1) renumbered (1.4.2002) as s. 13A(1)(b) by virtue of [2001 asp 8](#), s. 72(a)(iii); S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F6** S. 13A(2)(2A) substituted (1.4.2002) for s. 13A(2) by [2001 asp 8](#), s. 79, **Sch. 3 para. 4(3)**; S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F7** Word in s. 13A(2) repealed (1.4.2002) by [2001 asp 8](#), s. 72(b); S.S.I. 2002/162, **art. 2** (with arts. 3-13) and [2002 asp 5](#), s. 25, **Sch. 2 para. 1(4)**; S.S.I. 2002/170, **art. 2**
- F8** S. 13A(2A) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 2 para. 1**
- F9** S. 13A(2B) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 3(b)**
- F10** S. 13A(4)(5) inserted (1.3.2000 for specified purposes and otherwise 3.4.2000) by [1999 c. 33](#), s. 120(2); S.I. 2000/464, art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 13A restricted (8.1.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 54, **Sch. 3 para. 1(1)(c)**; S.I. 2002/2811, **art. 2**
- C2** S. 13A modified (24.6.2015) by [The Community Care \(Provision of Residential Accommodation Outwith Scotland\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/202\)](#), regs. 1(1), **2(3)**
- C3** S. 13A(1) modified (prosp.) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\)](#), **ss. 5(1), 27(2)**
- C4** S. 13A(1) modified (11.5.2015 for specified purposes, 24.6.2015 in so far as not already in force) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\)](#), **ss. 5(1), 27(2)**; S.S.I. 2015/179, art. 2(1)
- C5** S. 13A(2) excluded (prosp.) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\)](#), **ss. 5(4), 27(2)**

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- C6** S. 13A(2)(3) excluded (24.6.2015) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\), ss. 5\(4\), 27\(2\)](#); [S.S.I. 2015/179, art. 2\(2\)](#)
- C7** S. 13A(3) excluded (prosp.) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\), ss. 5\(4\), 27\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to legislation.gov.uk. S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)