

SCHEDULES

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Social Work (Scotland) Act 1968 (c. 49)

- 76 (1) The Social Work (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1(2) (local authorities for the administration of the Act), for the words “regional and islands councils” substitute the words “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 5 (powers of Secretary of State)—
- (a) in subsection (1A) for the words “section 2(2) of this Act” there shall be substituted the words “subsection (1B) below”; and
 - (b) after subsection (1A) there shall be added—
- “(1B) The enactments referred to in subsection (1A) above are—
- (a) this Act as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986;
 - (b) Part IV of the Children and Young Persons (Scotland) Act 1937;
 - (c) section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the National Assistance Act 1948;
 - (d) the Disabled Persons (Employment) Act 1958;
 - (e) sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958, and sections 11 and 12 of the Guardianship Act 1973;
 - (f) sections 23, 24, 297 and 329 of the Criminal Procedure (Scotland) Act 1975;
 - (g) the Children Act 1975;
 - (h) the Adoption Act 1976;
 - (i) the Adoption (Scotland) Act 1978;
 - (j) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
 - (k) the Mental Health (Scotland) Act 1984;
 - (l) the Foster Children (Scotland) Act 1984;
 - (m) sections 38(b) and 235 of the Housing (Scotland) Act 1987;
 - (n) the Access to Personal Files Act 1987; and
 - (o) section 19 and Part X of the Children Act 1989.”; and

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- (c) in subsection (2), for paragraph (c) there shall be substituted—
 - “(c) the performance of the functions of local authorities under any of the enactments mentioned in paragraphs (b), (d), (e), (g), (h), (i), (l) and (o) of subsection (1B) above”.
- (4) In section 5A(3) (local authority plans for community care services)—
 - (a) paragraph (b) shall cease to have effect; and
 - (b) in paragraph (c), for “section 2(2)” substitute “5(1B)”.
- (5) In section 5B(1) (complaints procedure), for “referred to in section 2(2)” substitute “mentioned in section 5(1B)”.
- (6) In section 6A (inquiries), for “section 2(2)” substitute “section 5(1B)”.
- (7) In section 10(1) (making of grants and loans for social work), for the words from “enactments” to “of this Act” substitute “mentioned in paragraphs (b), (d), (e), (g), (h), (i) and (l) of section 5(1B) of this Act”.
- (8) In section 20A(1) (powers of local authority in course of review of child in care) for “their reporter” substitute “the Principal Reporter”.
- (9) In section 27(3)(c) (content of probation, community service and supervised attendance scheme etc.), for the words from “the social” to the end substitute “a committee or sub-committee of such authorities”.
- (10) In section 33(3) (publication of list of members of children’s panels), for “offices of the director of social work” substitute “principal offices”.
- (11) In section 34, subsection (3) (duty of local authority to provide suitable accommodation and facilities for children’s hearings) shall cease to have effect.
- (12) In section 36 (the reporter)—
 - (a) subsection (4) shall cease to have effect;
 - (b) for subsection (5) substitute—
 - “(5) A reporter shall not, except with the consent of the Scottish Children’s Reporter Administration, be employed by a local authority.”;
 - (c) after subsection (5) insert—
 - “(5A) In subsections (2) and (5) above, “reporter” means the Principal Reporter or any officer of the Scottish Children’s Reporter Administration to whom there is delegated, under section 131(1) of the Local Government etc. (Scotland) Act 1994 any function of the Principal Reporter under this Part of this Act or under the Criminal Procedure (Scotland) Act 1975.”;
 - (d) subsection (6) shall cease to have effect; and
 - (e) in subsection (8), for “duties of the reporter” substitute “functions of the Principal Reporter under this Act and under the Criminal Procedure (Scotland) Act 1975”.
- (13) In section 36A (power of reporters to conduct proceedings before sheriff)—
 - (a) in paragraph (a), for the words from “officers”, where first occurring, to “solicitors” substitute the words “the reporter, whether or not he is an advocate or solicitor”;

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- (b) in paragraph (b), for “officer” substitute “reporter”; and
 - (c) at the end add the following—
 - “In this section, “reporter” has the same meaning as it has in subsections (2) and (5) of section 36 of this Act.”.
- (14) In section 38 (initial investigation of cases)—
 - (a) in subsection (1) for “a reporter”; and
 - (b) in subsection (2) for “the appropriate reporter”, substitute “the Principal Reporter”.
 - (15) In section 44(6) (direction as to transfer of child where disposal other than by discharge of referral), for “a director of social work” substitute “the chief social work officer”.
 - (16) In section 47(1) (duration and variation of supervision requirements) for “their reporter” substitute “the Principal Reporter”.
 - (17) In section 50(1) (appeal from sheriff to Court of Session) for “a reporter” substitute “the Principal Reporter”.
 - (18) In section 54 (transfer of case to another children’s hearing), in subsection (1), for the words from “with” to “for a” substitute the words “for the other”.
 - (19) In section 58A(3) (residence in secure accommodation) for “director of social work” substitute “chief social work officer”.
 - (20) In section 58B(3) (order placing child in secure accommodation) for “director of social work” substitute “chief social work officer”.
 - (21) In section 58E(1) (warrants to detain in secure accommodation) for “director of social work” substitute “chief social work officer”.
 - (22) In section 73 (supervision of children moving to Scotland from England and Wales or Northern Ireland), in subsection (1), in paragraph (b), for the words from “reporter” to the end substitute “Principal Reporter”.
 - (23) In section 75(1) (duties of reporter where parent of child subject to certain orders moves to Scotland), for the words from “reporter of the local authority” to “residing” substitute “Principal Reporter”.
 - (24) In section 76(2) (procedure in children’s hearing and courts)—
 - (a) for “a reporter” substitute “the Principal Reporter”; and
 - (b) the words “to which the case stands referred” shall cease to have effect.
 - (25) In Schedule 3 (children’s panels)—
 - (a) in paragraph 3—
 - (i) at the beginning insert “Subject to paragraph 5B below,”; and
 - (ii) sub-paragraph (i) and, in sub-paragraph (ii), the words “in any other case,” shall cease to have effect;
 - (b) after paragraph 5A insert—
 - “5B (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children’s Panel Advisory

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Committee for their areas (hereafter referred to as a “joint advisory committee”).

- (2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.
 - (3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and the local authorities shall comply with any such direction.
 - (4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children’s Panel Advisory Committee formed under the said paragraph 3.”; and
 - (c) in paragraph 7, for “may” substitute “shall”.
- (26) For “reporter”, wherever occurring, substitute “Principal Reporter”.
- (27) Sub-paragraph (26) above does not affect any of the particular amendments made by this paragraph.