



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART II

#### PROMOTION OF CHILDREN'S WELFARE BY LOCAL AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

### CHAPTER I

#### SUPPORT FOR CHILDREN AND THEIR FAMILIES

*Advice and assistance for young persons formerly looked after by local authorities*

#### 29 After-care.

- (1) A local authority shall, unless they are satisfied that his welfare does not require it, advise, guide and assist any person in their area [<sup>F1</sup>who is at least sixteen] but not yet nineteen years of age who, [<sup>F2</sup>either—
- (a) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or
  - (b) is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.]

[<sup>F3</sup>(1A) An order made under subsection (1)(b) above is subject to the affirmative procedure.]

- (2) If a person within the area of a local authority is at least nineteen, but is less than [<sup>F4</sup>twenty-six], years of age and is otherwise a person such as is described in subsection (1) above, he may by application to the authority request that they provide him with advice, guidance and assistance; <sup>F5</sup>...

[<sup>F6</sup>(2A) Subsections (1) and (2) above do not apply to a person during any period when the person is being provided with continuing care under section 26A of this Act.]

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*Changes to legislation: Children (Scotland) Act 1995, Cross Heading: Advice and assistance for young persons formerly looked after by local authorities is up to date with all changes known to be in force on or before 11 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) View outstanding changes*

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- (3) [<sup>F7</sup>Subject to section 73(2) of the Regulation of Care (Scotland) Act 2001 (asp 8),] assistance given under subsection (1) [<sup>F8</sup>above or (5A) or (5B) below] may include assistance in kind or in cash.
- (4) Where a person—
- (a) [<sup>F9</sup>who is at least sixteen years of] age ceases to be looked after by a local authority; or
  - (b) described in subsection (1) above is being provided with advice, guidance or assistance by a local authority,
- they shall, if he proposes to reside in the area of another local authority, inform that other local authority accordingly provided that he consents to their doing so.
- [<sup>F10</sup>(5) It is the duty of each local authority, in relation to any person to whom they have a duty under subsection (1) above or who makes an application under subsection (2) above, to carry out an assessment of the person’s needs.
- [ After carrying out an assessment under subsection (5) above in pursuance of an
- <sup>F11</sup>(5A) application made by a person under subsection (2) above, the local authority—
- (a) must, if satisfied that the person has any eligible needs which cannot be met other than by taking action under this subsection, provide the person with such advice, guidance and assistance as it considers necessary for the purposes of meeting those needs; and
  - (b) may otherwise provide such advice, guidance and assistance as it considers appropriate having regard to the person's welfare.
- (5B) A local authority may (but is not required to) continue to provide advice, guidance and assistance to a person in pursuance of subsection (5A) after the person reaches the age of twenty-six.]
- (6) Each local authority shall establish a procedure for considering representations (including complaints) made to them by any person mentioned in subsection (1) or (2) above about the discharge of their functions under the provisions of subsections (1) to [<sup>F12</sup>(5B)] above.
- (7) In subsection (1) above, the reference to having been “looked after by a local authority” shall be construed as including having been looked after by a local authority in England and Wales; and subsection (4) of section 105 of the Children Act 1989 (c.41) (construction of references to a child looked after by a local authority) shall apply for the purposes of this subsection as it applies for the purposes of that Act (“local authority in England and Wales” being construed in accordance with subsection (1) of that section).]
- [<sup>F13</sup>(8) For the purposes of subsection (5A)(a) above, a person has “eligible needs” if the person needs care, attention or support of such type as the Scottish Ministers may by order specify.
- (9) An order made under subsection (8) is subject to the affirmative procedure.
- (10) If a local authority becomes aware that a person who is being provided with advice, guidance or assistance by them under this section has died, the local authority must as soon as reasonably practicable notify—
- (a) the Scottish Ministers; and
  - (b) Social Care and Social Work Improvement Scotland.]

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### Textual Amendments

- F1** Words in s. 29(1) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(a)(i)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F2** Words in s. 29(1) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(a)(ii)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F3** S. 29(1A) inserted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(b)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F4** Word in s. 29(2) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(c)(i)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F5** Words in s. 29(2) repealed (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(c)(ii)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F6** S. 29(2A) inserted (1.4.2015) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 67(2)**, 102(3); S.S.I. 2015/61, art. 2(1)(2), sch.
- F7** Words in s. 29(3) inserted (5.12.2003) by 2001 asp 8, ss. 73(1)(a), 81(2); S.S.I. 2003/596, **art. 3(1)**
- F8** Words in s. 29(3) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(d)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F9** Words in s. 29(4) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(e)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F10** S. 29(5)-(7) inserted (1.4.2004) by 2001 asp 8, ss. 73(1)(b), 81(2); S.S.I. 2003/596, **art. 3(2)**
- F11** S. 29(5A)(5B) inserted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(f)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F12** Word in s. 29(6) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(g)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F13** S. 29(8)-(10) inserted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 66(2)(h)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.

### Modifications etc. (not altering text)

- C1** S. 29 restricted (8.1.2003) by 2002 c. 41, art. 54, **Sch. 3 para. 1(1)(i)**; S.I. 2002/2811, art. 2, **Sch.** (with arts. 3-6)

## 30 Financial assistance towards expenses of education or training and removal of power to guarantee indentures etc.

- (1) Without prejudice to section 12 of the <sup>M1</sup>Social Work (Scotland) Act 1968 (general social welfare services of local authorities), a local authority may make—
- (a) grants to any relevant person in their area to enable him to meet expenses connected with his receiving education or training; and
  - (b) contributions to the accommodation and maintenance of any such person in any place near where he may be—
    - (i) employed, or seeking employment; or

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(ii) receiving education or training.

- (2) [F14 A] person is a relevant person for the purposes of subsection (1) above if—
- (a) he is [F15 at least sixteen years of ] age but not yet [F16 twenty-six] years of age; and
  - [F17 (b) he either—
    - (i) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or
    - (ii) is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.

(2A) An order made under subsection (2)(b)(ii) above is subject to the affirmative procedure.]

F18(3) .....

F18(4) .....

#### Textual Amendments

- F14** Word in s. 30(2) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 66(3)(a)(i)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F15** Words in s. 30(2)(a) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **s. 66(3)(a)(ii)(A)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F16** Word in s. 30(2)(a) substituted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **s. 66(3)(a)(ii)(B)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F17** S. 30(2)(b)(2A) substituted for s. 30(2)(b) (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 66(3)(a)(iii)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.
- F18** S. 30(3)(4) omitted (1.8.2014 for specified purposes, 1.4.2015 in so far as not already in force) by virtue of [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 66(3)(b)**, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2015/61, art. 2(1)(2), sch.

#### Modifications etc. (not altering text)

- C2** S. 30 restricted (8.1.2003) by [2002 c. 41](#), art. 54, **Sch. 3 para. 1(1)(i)**; S.I. 2002/2811, art. 2, **Sch.** (with arts. 3-6)

#### Marginal Citations

- M1** 1968 c.49.

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

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by [S.I. 2010/1906, reg. 2](#))

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

- [s. 3\(3A\)\(ba\)](#) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- [s. 4B](#) inserted by [2020 asp 16 s. 28\(2\)](#)
- [s. 6\(1A\)-\(1D\)](#) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- [s. 10\(1A\)](#) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- [s. 11\(14\)](#) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- [s. 11B11C](#) inserted by [2020 asp 16 s. 8\(2\)](#)
- [s. 11B\(2\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11D](#) inserted by [2020 asp 16 s. 17\(2\)](#)
- [s. 11D\(3\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11E](#) inserted by [2020 asp 16 s. 18\(2\)](#)
- [s. 11F](#) inserted by [2020 asp 16 s. 20\(2\)](#)
- [s. 11G](#) inserted by [2020 asp 16 s. 22\(2\)](#)
- [s. 11ZA11ZB](#) inserted by [2020 asp 16 s. 1\(4\)](#)
- [s. 11ZA\(2A\)](#) inserted by [2020 asp 16 s. 30\(2\)](#)
- [s. 11ZA\(3\)\(f\)](#) inserted by [2020 asp 16 s. 16\(2\)](#)
- [s. 16\(1A\)](#) inserted by [2020 asp 16 s. 30\(3\)](#)
- [s. 16\(2\)-\(2B\)](#) substituted for [s. 16\(2\)](#) by [2020 asp 16 s. 1\(6\)](#)
- [s. 100A](#) inserted by [2020 asp 16 s. 21\(2\)](#)
- [s. 101D](#) inserted by [2020 asp 16 s. 11\(2\)](#)
- [s. 101E](#) inserted by [2020 asp 16 s. 12\(2\)](#)