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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: The Social Work (Scotland) Act 1968 (c.49) is up to date with all changes known to be in force on or before 26 May 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*

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## SCHEDULE 4 MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 (1) The Social Work (Scotland) Act 1968 shall be amended as follows.
- (2) In section 4 (assistance by voluntary organisations in performance of functions), for the words from “section 7” to “1984” substitute “ section 25 (provision of care and support services for persons who have or have had a mental disorder), 26 (provision of services designed to promote well-being and social development of such persons) or 27 (assistance with travel in connection with such services) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ”.
- (3) In section 5(1B) (compliance by local authorities with directions by Scottish Ministers in exercise of functions under certain Acts), for paragraph (k) substitute—  
“**(k)** the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);”.
- (4) In section 5A(4) (local authority plans for community care services), in the definition of “community care services”, for the words from “section 7” to “1984” substitute “ section 25 (provision of care and support services for persons who have or have had a mental disorder), 26 (provision of services designed to promote well-being and social development of such persons) or 27 (assistance with travel in connection with such services) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ”.
- <sup>F1</sup>(5) .....
- (6) In section 59(1) (provision by local authorities of residential and other establishments etc.), for the words “section 13A” substitute “ sections 12 and 13A ”.
- (7) In section 86(1) (recovery of expenditure on provision of services for person ordinarily resident in the area of another local authority), for paragraph (e) substitute—  
“**(e)** in the provision, for persons ordinarily so resident, of services under section 25 (care and support services for persons who have or who have had a mental disorder), 26 (services designed to promote well-being and social development of such persons) or 27 (assistance with travel in connection with such services) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);”.
- (8) In section 94(1) (interpretation), for the definition of “mental health officer” substitute—  
““mental health officer” means a person appointed under subsection (1) of section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13); and includes a person deemed, by virtue of subsection (3) of that section, to be so appointed;”.

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#### **Textual Amendments**

- F1** Sch. 4 para. 1(5) repealed (23.2.2006) by [Joint Inspection of Childrens Services and Inspection of Social Work Services \(Scotland\) Act 2006 \(asp 3\)](#), **ss. 8(4)(h)**, 10(2)

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#### **Commencement Information**

- II** Sch. 4 para. 1 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

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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. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)