

CRIMINAL JUSTICE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT THE ACT IS IN 12 PARTS.

Part 11 – Local Authority Functions

Section 71 and 72 – Advice, guidance and assistance to persons arrested or on whom sentence deferred; Grants to local authorities discharging certain functions jointly

395. Sections 71 and 72 amend the Social Work (Scotland) Act 1968.
396. Section 71 (2) inserts new paragraph (ac) into section 27 (1) of the 1968 Act which requires local authorities to provide advice, guidance and assistance to prisoners during their period of imprisonment who will be subject to supervision following release. Responsibility for the provision of this service will fall on the local authority that the offender resided in prior to imprisonment or the local authority that the offender will reside in following release.
397. Section 71 (3) inserts new subsection (1A) and (1B) into section 27 of the 1968 Act. New subsection (1A) enables local authorities to provide advice, guidance and assistance to prisoners during their period of imprisonment who would not be subject to supervision on release and who request such services. Responsibility for the provision of this service will fall to the local authority area that the offender resided in prior to imprisonment or the local authority area that the offender will reside in following release.
398. New subsection (1B) makes clear that where more than one local authority is required by virtue of section 27(1)(ac) of the 1968 Act to provide such services the local authorities may agree amongst themselves that only one shall provide the services.
399. Section 71(4) inserts a new section 27ZA into the Social Work (Scotland) Act 1968. Section 27ZA(1) provides that it shall be a local authority function, if so directed by the Scottish Ministers, to provide services to persons who have been arrested and detained in police custody or those on whom sentence has been deferred, under section 202(1) of the 1995 Act (during the period of deferment) and whilst those persons are in that local authority's area. The Scottish Ministers may direct the extent to which such services are to be provided. In providing services to individuals under this section local authorities are required to have particular regard to those suffering from problems relating to dependency on drugs, alcohol or some other substance.
400. Subsection (2) of new section 27ZA provides for the local authority to be able to continue to provide a service to those released from police custody within their area for a period of up to 12 months from the date of release.
401. Section 71(5) amends section 27A of the Social Work (Scotland) Act 1968 to allow the Scottish Ministers to make grants to local authorities in respect of the functions exercised by the authority under new section 27ZA.

*These notes relate to the Criminal Justice (Scotland) Act
2003 (asp 7) which received Royal Assent on 26 March 2003*

402. [Section 72](#) inserts a new subsection (1A) into section 27A of the Social Work (Scotland) Act 1968 to provide that where local authorities have formed themselves into a grouping and are discharging functions mentioned in section 27(1) or new 27(ZA), the Scottish Ministers may make grants to a nominated local authority from this grouping.