



Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

Community justice authorities

- 7 Power of Scottish Ministers to require action by community justice authority: failure by local authority**
- (1) Where it appears to the Scottish Ministers, on a report under section 5 or by a person mentioned in section 6(2)—
- (a) that a local authority are failing, or have failed, satisfactorily to exercise their functions under section 27 of the Social Work (Scotland) Act 1968 (c. 49) (supervision and care of persons put on probation or released from prison etc.) in relation to—
 - (i) relevant persons; or
 - (ii) one relevant person provided that the person making the report considers such failure to be symptomatic of some general failure of the local authority in the exercise of their functions under that section; and
 - (b) that the issue under this section of an enforcement direction to the authority would be justified,
- they may issue a preliminary notice to the community justice authority.
- (2) Subsections (3) to (11) of section 6 apply in relation to an apparent failure mentioned in subsection (1)(a) (of this section) as they apply in relation to an apparent failure mentioned in subsection (1)(a) of that section.
- (3) For the purposes of that application references in those subsections of that section to “the authority” are to be construed as references to the community justice authority except that the references in paragraphs (a) and (b) of subsection (4) of that section are to be construed as references to the local authority.
- (4) But, notwithstanding that exception, the word “it” in paragraph (b) of subsection (4) of that section is to be construed as a reference to the community justice authority.