



# Social Work (Scotland) Act 1968

## 1968 CHAPTER 49

### PART I

#### ADMINISTRATION

##### *Performance of their duties by local authorities*

#### **1 Local authorities for the administration of the Act.**

- (1) It shall be the duty of a local authority to enforce and execute within their area the provisions of this Act [<sup>F1</sup>, Part 2 of the Children (Scotland) Act 1995 (c.36) or Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children's Hearings (Scotland) Act 2011 (asp 1)] with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.
- (2) The local authorities for the purposes of this Act shall be [<sup>F2</sup>councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994]
- (3) .....<sup>F3</sup>
- (4) The functions of local health authorities in respect of their areas under the following enactments—
  - (a) <sup>F4</sup> . . .
  - (b) [<sup>F5</sup>Mental Health (Care and Treatment) (Scotland) Act 2003] . . . <sup>F6</sup>, <sup>F7</sup> . . .
  - <sup>F8</sup>(c) . . . . .

are hereby transferred to the local authorities of those areas.

- (5) On the date of the commencement of Part III of this Act the functions of education authorities in relation to the establishments which immediately before that date were approved schools and the children resident therein shall be transferred to the local authorities in whose areas the said children are ordinarily resident or, in the case of children who have no ordinary residence in Scotland, such local authorities as the Secretary of State may determine.

*Changes to legislation: Social Work (Scotland) Act 1968, Cross Heading: Performance of their duties by local authorities is up to date with all changes known to be in force on or before 09 August 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*

(6) ..... F3

**Textual Amendments**

**F1** Words in s. 1(1) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **sch. 1 para. 1(2)**

**F2** Words in s. 1(2) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 76(2)**; S.I. 1996/323, **art. 4(1)(b)(c)**

**F3** S. 1(3)(6) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**

**F4** S. 1(4)(a) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), **s. 108(7) Sch. 15**; S.I. 1991/828, **art. 3(2)**

**F5** Words in s. 1(4)(b) substituted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 4(2)**

**F6** Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58, SIF 113:2\)](#), **Sch. 7 Pt. II**

**F7** Word repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

**F8** S. 1(4)(c) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

F9 2 .....

**Textual Amendments**

**F9** [S. 2](#) repealed (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

[<sup>F103</sup> <sup>F10</sup>**Chief social work officer.**

- (1) For the purposes of their functions under this Act and the enactments mentioned in section 5(1B) of this Act, a local authority shall appoint an officer to be known as the chief social work officer.
- (2) The qualifications of the chief social work officer shall be such as may be prescribed by the Secretary of State.]

**Textual Amendments**

**F10** [S. 3](#) substituted (1.4.1996) by [1994 c. 39, s. 45](#); S.I. 1996/323, art. 4(1)(a), **Sch. 1**

**4 Provisions relating to performance of functions by local authorities.**

Where a function is assigned to a local authority under this Act [<sup>F11</sup>or [<sup>F12</sup>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>F13</sup> or Part II of the Children (Scotland) Act 1995]<sup>F14</sup> or any of Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children’s Hearings (Scotland) Act 2011 (asp 1)]<sup>F15</sup> or Part 2, 3, 4, 5 or 6 of the Carers (Scotland) Act 2016], and a voluntary organisation or other person,

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including another local authority, is able to assist in the performance of that function, the local authority may make arrangements with such an organisation or other person for the provision of such assistance as aforesaid.

#### Textual Amendments

- F11** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 9 para. 10(3)**
- F12** Words in s. 4 substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), **sch. 4 para. 1(2)**; 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)
- F13** Words in s. 4 inserted (12.12.1996 for certain purposes and otherwise 1.4.1997) by [1995 c. 36](#), s. 105(4), **Sch. 4 para. 15(3)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F14** Words in s. 4 inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **sch. 1 para. 1(3)**
- F15** Words in s. 4 inserted (1.4.2018) by [Carers \(Scotland\) Act 2016 \(asp 9\)](#), **ss. 40, 45(2)**; S.S.I. 2017/152, reg. 4

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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. 27(1)(za) inserted by [2023 asp 4 s. 1\(5\)](#)
- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to [legislation.gov.uk](#). S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)