

## SCHEDULE 1

### MODIFICATION OF PRIMARY LEGISLATION

#### **Social Work (Scotland) Act 1968**

1.—(1) The Social Work (Scotland) Act 1968(1) is amended as follows.

(2) In section 1(1) (local authorities for the administration of the Act)(2), for “or Part II of the Children (Scotland) Act 1995” substitute “, 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)”.

(3) In section 4 (provisions relating to performance of functions by local authorities)(3), after “1995” insert “or any of Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(4) In section 5 (powers of Scottish Ministers)(4)—

(a) in subsection (1), after “1995” insert “, Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children’s Hearings (Scotland) Act 2011 (asp 1)”;

(b) in subsection (1B), after paragraph (r) add—

“(s) Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children’s Hearings (Scotland) Act 2011(asp 1).”; and

(c) in subsection (2)(c), for “and (q)” substitute “, (q) and (s)”.

(5) In section 6A(1)(e) (inquiries into functions of Principal Reporter)(5) from “Part” to “1995” substitute “the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(6) In section 9 (training courses and grants for training in social work)(6), in each of subsections (1) and (2), for “or Part II of the Children (Scotland) Act 1995” substitute “, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(7) In section 11(1) (compulsory purchase of land)(7), for “or Part II of the Children (Scotland) Act 1995” substitute “, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(8) In section 27(1)(b)(vi) (local authority to provide certain services in relation to children’s hearings)(8), from “supervision” to the end substitute “compulsory supervision order made by virtue of the ground mentioned in section 67(2)(j) of the Children’s Hearings (Scotland) Act 2011 (asp 1);”.

---

(1) 1968 c.49.

(2) Section 1(1) was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(2).

(3) Section 4 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(2), Schedule 9, paragraph 10(3); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(3); and the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 4, paragraph 1(2).

(4) Section 5(1) was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(4)(a). Section 5(1B) was inserted by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 76(3)(b). Paragraph (r) is inserted prospectively by the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1), section 21(b). Section 5(2)(c) was amended by the Children Act 1975 (c.72), Schedule 3, paragraph 49; the Children Act 1989 (c.41), Schedule 13, paragraph 19; the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 76(3)(c); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(4)(c); and the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 2(2)(b).

(5) Section 6A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 54; relevantly amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(7) and S.S.I. 2011/186.

(6) Section 9 was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(8).

(7) Section 11 was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(10).

(8) Section 27(1)(b) was inserted by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 6(4)(d); relevantly amended by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), schedule 1, paragraph 3(a)(i).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (9) In section 59(1) (duty of local authority to provide residential and other establishments etc.)(9), for “or Part II of the Children (Scotland) Act 1995” substitute “, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)”.
- (10) In section 78 (duty to make contributions in respect of children in care etc.)(10)—
- (a) in subsection (1), for “supervision requirement” substitute “compulsory supervision order”; and
  - (b) in subsection (2), for the words from “supervision” to “1995,” substitute “compulsory supervision order which”.
- (11) In section 83(1) (variation of trusts), for “supervision requirement” substitute “compulsory supervision order”.
- (12) In section 94(1) (interpretation)(11)—
- (a) after the definition of “community rehabilitation order” insert—  
““compulsory supervision order” has the meaning given by section 83 of the Children’s Hearings (Scotland) Act 2011 (asp 1),”;
  - (b) in the definition of “establishment”, for “or of Part II of the Children (Scotland) Act 1995” substitute “, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)”; and
  - (c) in the definition of “residential establishment”, for “or of Part II of the Children (Scotland) Act 1995” substitute “, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

---

(9) Section 59(1) was amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 10(7); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(15); the Regulation of Care (Scotland) Act 2001 (asp 8), section 72(c); and the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), section 25(4) and schedule 4, paragraph 1(6).

(10) Section 78(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 10, Part 1; the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(17)(a). Section 78(2) was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(17)(b).

(11) Section 94(1) was relevantly amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(28)(c) and (h).