

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 6: Miscellaneous

Grants, loans and other payments

Section 68: Grants in respect of activities relating to child care and family support

180. This section gives Scottish Ministers a clear statutory power to make grants to a wide range of organisations or persons involved in child care and family support activities.
181. Organisations or persons to whom grants could be made would include local authorities, other public bodies, private companies, voluntary organisations, charities, academic researchers, or any other relevant persons. Grants could be made to support a wide range of activities; including (but not limited to) service provision, research activities, and developmental and promotional work.

Section 69: Amendment of Social Work (Scotland) Act 1968: delegation of power to make grants and loans to certain voluntary organisations etc.

182. Section 10 (1) of the Social Work (Scotland) Act 1968 empowers Scottish Ministers to make grants and loans to voluntary organisations and others engaged in any activity connected with the functions of Scottish Ministers or local authorities under the Social Work (Scotland) Act 1968 and other specified enactments. It is not entirely clear that the organisations in receipt of grants and loans under this section can then pass on some or all of the money to other organisations or people. Section 69 adds a new subsection to section 10 of the 1968 Act to clarify the position and enables secondary grants and loans to be made for the activities described in section 10(1). Scottish Ministers may also determine that specific conditions are attached to the secondary grants and loans.

Section 70: Amendment of Social Work (Scotland) Act 1968: direct payments to children for care services

183. The Community Care (Direct Payments) Act 1996 amended the Social Work (Scotland) Act 1968 to insert new sections 12B and 12C and to make a consequential amendment to section 13, with the effect of enabling local authorities responsible for providing (or arranging the provision of) community care services, to make direct payments to persons in respect of their securing the provision of such services. The definition of 'community care services' excludes children's services. The Community Care (Direct Payments) (Scotland) Regulations 1997 and The Community Care (Direct Payments) (Scotland) Amendment Regulations 2000 specify the persons to whom direct payments may be made under the Act.
184. **Section 70** amends the definition of 'community care services' for the purposes of sections 12B and 12C of the 1968 Act so that direct payments can be made to children

*These notes relate to the Regulation of Care (Scotland) Act
2001 (asp 8) which received Royal Assent on 5 July 2001*

for services available under section 22(1) of the Children (Scotland) Act 1995. The 1997 Regulations will be further amended to specify that direct payments may only be made to children aged 16 and 17.

Section 71: Amendment of Children Act 1975: maintenance payments to children

185. Local authorities use their discretionary powers to pay relatives or friends maintenance payments for children they look after. Payments are dependent on individual cases and the resources available to authorities. Section 71 increases the age limit of children for whom local authorities may make these payments from 16 to 18.