



# Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

## *Co-operation*

### **1 Duty to co-operate**

- (1) The Scottish Ministers, community justice authorities and local authorities are to co-operate with one another in carrying out their respective functions in relation to relevant persons.
- (2) In this Act—
  - (a) to “co-operate” may, without prejudice to the generality of that expression, include to exchange information (“co-operation” being construed accordingly); and
  - (b) “relevant person” means—
    - (i) a person who is supervised by, provided with advice, guidance or assistance by, or the subject of a report by a local authority (or, by virtue of section 8, by a community justice authority) as part of the provision by the local authority (or community justice authority) of a service for the purposes mentioned in any of sections 27(1) or (1A) or 27ZA of the Social Work (Scotland) Act 1968 (c. 49) (supervision and care of persons put on probation or released from prison etc.); or
    - (ii) any other person if that person is detained in custody.
- (3) The reference in subsection (1) to the Scottish Ministers is to the Scottish Ministers in exercise of their functions under the Prisons (Scotland) Act 1989 (c. 45).

### **2 Co-operation for purposes of inspections**

- (1) Where any person mentioned in subsection (2) is conducting an inspection of the provision of services to relevant persons, the persons mentioned in that subsection may co-operate with one another for the purposes of that inspection.
- (2) The persons are—
  - (a) Her Majesty’s Chief Inspector of Prisons for Scotland;
  - (b) Her Majesty’s Chief Inspector of Constabulary;

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*Status: This is the original version (as it was originally enacted).*

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- (c) a person authorised under section 6(1) of the Social Work (Scotland) Act 1968 (c. 49) (supervision of establishments providing accommodation for persons and inspection of records etc.).
- (3) The Scottish Ministers may by order made by statutory instrument amend the list of persons in subsection (2).
- (4) A statutory instrument containing an order under subsection (3) is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.