



# Social Work (Scotland) Act 1968

## 1968 CHAPTER 49

### PART IV

#### RESIDENTIAL AND OTHER ESTABLISHMENTS

##### *Provision of residential and other establishments*

#### **59 Provision of residential and other establishments by local authorities, and maximum period for repayment of sums borrowed for such provision.**

- (1) <sup>[F1]</sup><sup>[F2]</sup>Without prejudice to their duties under<sup>[F3]</sup>sections 12 and 13A] of this Act,] it shall be the duty of a local authority to provide and maintain such residential and other establishments as may be required for their functions under this Act <sup>[F4]</sup>sections 25 and 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)<sup>[F5]</sup>, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children's Hearings (Scotland) Act 2011 (asp 1)], or arrange for the provision of such establishments.
- (2) For the purpose of discharging their duty under the foregoing subsection a local authority may—
  - (a) themselves provide such establishments as aforesaid; or
  - (b) join with another local authority in providing those establishments; or
  - (c) secure the provision of such establishments by voluntary organisations or other persons including other local authorities.
- (3) The maximum period for the repayment of sums borrowed by a local authority for the purposes of this section shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly in Schedule 6 to the <sup>M1</sup>Local Government (Scotland) Act 1947, at the end, there shall be added the following entry, that is to say—

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“Section 59 of the Social Work (Scotland) Act 1968. Such period not exceeding sixty years as may be sanctioned by the Secretary of State.”

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*Changes to legislation: Social Work (Scotland) Act 1968, Part IV is up to date with all changes known to be in force on or before 26 May 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*

**Textual Amendments**

- F1** Words in s. 59 inserted (1.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(7)**; S.I. 1992/2975, art. 2(2), **Sch.**
- F2** Words in s. 59(1) substituted (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 72(c); S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F3** Words in s. 59(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), **sch. 4 para. 1(6)**; 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)
- F4** Words in s. 59(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), **ss. 25(4)**, 333(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)
- F5** Words in s. 59(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(9)**

**Marginal Citations**

- M1** 1947 c. 43.

**[<sup>F6</sup>59A Grants in respect of secure accommodation for children.**

(1) The Secretary of State may make to a local authority grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority in—

- (a) providing;
- (b) joining with another local authority in providing; or
- (c) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of

secure accommodation . . . <sup>F7</sup>]

(2) The conditions subject to which grants are made under subsection (1)

of this section may include conditions for securing the repayment in whole or in part of such grants.

(3) . . . . . <sup>F8</sup>

**Textual Amendments**

- F6** [S. 59A](#) inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **s. 72**
- F7** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **Sch. 10 Pt. I**.
- F8** [S.59A\(3\)](#) repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **Sch. 10 Pt. I**

**60 Control of residential and other establishments.**

<sup>F9</sup> . . . . .

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**Textual Amendments**

- F9** S. 60 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

*Registration of certain residential and other establishments*

**61 Restriction on carrying on of establishments.**

**F10** .....

**Textual Amendments**

- F10** S. 61 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**61A Voluntary registration.**

**F11** .....

**Textual Amendments**

- F11** S. 61A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**62 Registration.**

**F12** .....

**Textual Amendments**

- F12** S. 62 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**62A Certificate of registration as respects grant-aided or independent school.**

**F13** .....

**Textual Amendments**

- F13** S. 62A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**63 Special provisions for registration by Secretary of State.**

**F14** .....

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**Textual Amendments**

- F14** S. 63 repealed (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**63A Appeals against conditions imposed on registration or subsequently.**

**F15** .....

**Textual Amendments**

- F15** S. 63A repealed (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**63B Special provisions for jointly registrable establishments.**

**F16** .....

**Textual Amendments**

- F16** S. 63B repealed (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**64 Appeals against refusal or cancellation of registration.**

**F17** .....

**Textual Amendments**

- F17** S. 64 repealed (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**64A Registration fees.**

**F18** .....

**Textual Amendments**

- F18** S. 64A repealed (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**65 Removal of persons from establishments.**

**F19** .....

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**Textual Amendments**

**F19** S. 65 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**66 Duty to furnish particulars of establishments.**

**F20** .....

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**Textual Amendments**

**F20** S. 66 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**67 Entry to examine state and management of establishments etc.**

**F21** .....

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**Textual Amendments**

**F21** S. 67 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**68 Visiting of persons in establishments on behalf of local authorities.**

**F22** .....

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**Textual Amendments**

**F22** S. 68 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

**Changes to legislation:**

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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. 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](#)