

## SCHEDULES

### SCHEDULE 8

Section 95(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Criminal Appeal (Scotland) Act 1926*

- 1 In section 9(4)(d), for the words " remand home " and " home " there shall be substituted the words " place of safety ".

##### *Children and Young Persons Act 1933*

- 2 In section 70(2), in the proviso, after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ", and after the words " probation order " there shall be inserted the words " or supervision requirement ".
- 3 In section 76(1B), after the words " probation order " there shall be inserted the words " or supervision requirement " and after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ".
- 4 In section 90(6), after the words " 1948 " there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ", and after the words " probation order " there shall be inserted the words " or supervision requirement ".
- 5 In section 107(1), after the definition of " street " there shall be inserted the following definition—  
“ supervision requirement ' has the same meaning as in the Social Work (Scotland) Act 1968 ;”,

##### *Children and Young Persons (Scotland) Act 1937*

- 6 In section 38(3), for the words " an approved school " there shall be substituted the words " a residential establishment where education is provided ".
- 7 (1) In section 87(1), for the words from " to an approved school " to the end of the subsection there shall be substituted the words " to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in England or Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were authority for his detention for a period not exceeding the period for which he might be detained under the approved school order or, as the case may be, the training school order made in respect of him ".
- (2) In section 87(2) to (4), any reference to an approved school in Scotland shall be construed as a reference to a place in respect of which the Secretary of State has made, or may make, a direction under subsection (1).

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- (3) In section 87(3), the words from " approved school as " to the end of the subsection shall be omitted, and there shall be substituted the words " to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order were an order for committal for residential training made under section 58A of this Act made upon the same date ".
- 8       After section 101(2) there shall be inserted the following subsection—
- “(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the Social Work (Scotland) Act 1968.”
- 9       (1) In section 103(1), for the words " whether charged with an offence or not" there shall be substituted the words " charged with an offence ".
- (2) After subsection (1), there shall be added the following subsection—
- “(1A) The court in making any inquiry in pursuance of the last foregoing subsection shall have regard to the application for the provisions of section 30(1) of the Social Work (Scotland) Act 1968 but an order or judgment of the court shall not be invalidated by any subsequent proof that the court was not informed that at the material time the person was subject to a supervision requirement or that his case had been referred to a children's hearing under Part V of that Act.”.
- (3) After subsection (4), there shall be added the following subsection—
- “(5) In subsections (1) and (2) of this section, references to a child or young person charged with an offence shall be construed as references to a child within the meaning of section 30(1) of the Social Work (Scotland) Act 1968.”.
- 10       In section 110(1), in the definition of "Child ", for the words "Part III" there shall be substituted the words " Parts III and IV "; and for the definition of " Place of safety " there shall be substituted the following definition—
- “Place of safety ' has the same meaning as in the Social Work (Scotland) Act 1968;”
- “Residential establishment ' has the same meaning as in the Social Work (Scotland) Act 1968.”
- National Health Service (Scotland) Act 1947*
- 11       (1) In section 15(1), after paragraph (f) there shall be inserted the following paragraph—
- “(g) the provision of any of the services which a local authority are required to provide under the Social Work (Scotland) Act 1968 ;”.
- (2) In subsection (4), after the words " education authorities" there shall be inserted the words " or any of the social work services which local authorities "; and after the words " education authority " there shall be inserted the words " or local authority ".
- 12       In section 27, at the end there shall be added the following subsection—
- “(4) On the coming into operation of section 1(4) of the Social Work (Scotland) Act 1968, a local health authority shall not perform any function under

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this section which may be performed by a local authority by virtue of that section.”.

- 13 In section 63, after the words " foregoing section " there shall be inserted the words " or any local authority within the meaning of the Social Work (Scotland) Act 1968 ".

*National Assistance Act 1948*

- 14 In section 32(1), at the end there shall be inserted the words " , and in this subsection any reference to another local authority includes a reference to a local authority in Scotland ".

- 15 After section 41(1), there shall be inserted the following subsection—

“(1A) The foregoing subsection shall, in relation to Scotland, have effect as if for the words from " to whom section " to the end of the subsection there were substituted the words " who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury or such other disabilities as may be prescribed by the Minister.”.

- 16 In section 65, at the end, there shall be added the following paragraph—

“(f) any reference however expressed to accommodation provided under Part III thereof shall be construed as a reference to accommodation provided under Part IV of the Social Work (Scotland) Act 1968”.

*Children Act 1948*

- 17 (1) In section 1(4), after the words "Secretary of State", there shall be inserted the words " and in this subsection any reference to another local authority includes a reference to a local authority in Scotland ".

- (2) In subsection (5), after the words "probation order", there shall be inserted the words " or supervision requirement ", and after the words " 1937", there shall be inserted the words " or Part II of the Social Work (Scotland) Act 1968 ".

- 18 In section 13(1), at the end, there shall be inserted the words " and arrangements may be made under this subsection for boarding out a child in Scotland, or for maintaining him in a residential establishment provided, or the provision of which is secured, or which is registered, under Part IV of the Social Work (Scotland) Act 1968 ".

- 19 In section 59(1), after the definition of " relative " there shall be substituted the following definition—

“' supervision requirement ' has the same meaning as in the Social Work (Scotland) Act 1968”.

*Nurseries and Child-Minders Regulation Act 1948*

- 20 In relation to Scotland, any reference to a local health authority wherever occurring, shall be construed as a reference to a local authority within the meaning of the Social Work (Scotland) Act 1968.

*Criminal Justice Act 1948*

- 21 In section 9, at the end there shall be added the following subsection—

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“(9) A probation order shall not be made under section 3 of this Act as modified by subsection (1) of this section, or amended under subsection (2) of this section in respect of a person who has not attained the age of sixteen.”

*Criminal Justice (Scotland) Act 1949*

22 (1) In section 2, for subsection (2) there shall be substituted the following subsection—

“(2) A probation order shall be in the form prescribed by Act of Adjournal, and shall name the local authority area in which the offender resides or is to reside and the order shall make provision for the offender to be under the supervision of an officer of the local authority of that area, or, where the offender resides or is to reside in a local authority area in which the court has no jurisdiction, the court shall name the appropriate court (being such a court as could have been named in any amendment of the order in accordance with the provisions of Schedule 2 to this Act) in the area of residence or intended residence and the court last mentioned shall require the local authority for that area to arrange for the offender to be under the supervision of an officer of that authority.”

(2) In subsection (4), for the words "the probation officer or officers nominated " there shall be substituted the words " an officer of the local authority ".

(3) In subsection (6), in the proviso, in paragraph (b), for the words from " an approved " where first occurring to " other " there shall be substituted the word " any ".

(4) In subsection (8), for the words from "probation officer" to the end of the subsection there shall be substituted the words " officer of the local authority who is to supervise the probationer, to the probationer, and to the person in charge of any institution or place in which the probationer is required to reside under the probation order ".

23 In section 3, in subsections (4) and (6), for the words " the probation officer or officers " there shall be substituted the words " any officer ".

24 In section 5(1), for the words "the probation officer named in the probation order" there shall be substituted the words " the officer supervising the probationer ".

25 For section 8(1) there shall be substituted the following subsection—

“(1) Any court may, on making a probation order under this Part of this Act, if it thinks that such a course is expedient for the purpose of the order, require the offender to give security for his good behaviour.”.

26 In section 9(1), for the word " seventeen" there shall be substituted the word " sixteen ".

27 In section 10, for the words " a probation officer " there shall be substituted the words " an officer of a local authority ", for the words "other than a juvenile court" there shall be substituted the words " other than a court whose procedure is regulated by rules made under section 52(2) of the Children and Young Persons (Scotland) Act 1937) ", and for the word " seventeen " there shall be substituted the word " sixteen ".

28 (1) In section 28(1), for the paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) if he is under 16 years of age the court shall commit him to the local authority in whose area the court is situated, and the authority shall

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have the duty of placing him in a suitable place of safety chosen by the authority ;

- (b) if he is a child of over 16 years of age, or a child under 16 years of age but over fourteen years of age who is certified by the court to be unruly or depraved, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre;”.

(2) For subsections (3) and (4), there shall be substituted the following subsections—

“(3) Where any person is committed to a local authority or to a remand centre under any provision of this Act that authority or centre shall be specified in the warrant, and he shall be detained by the authority or in the centre for the period for which he is committed or until he is liberated in due course of law.

(4) Where any person has been committed to a local authority under any provision of this Act, the court by which he was committed, if the person so committed is not less than fourteen years of age and it appears to the court that he is unruly or depraved, may revoke the commitment and commit the said person—

- (a) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and
- (b) if the court has not been so notified, to a prison”.

(3) After subsection (4) there shall be inserted the following subsection—

“(5) Where in the case of a person under sixteen years of age who has been committed to prison or to a remand centre under this section, the sheriff is satisfied that his detention in prison or a remand centre is no longer necessary, he may revoke the commitment and commit the person to the local authority in whose area the court is situated, and the authority shall have the duty of placing him in a suitable place of safety.”

29 In section 30(1), in the subsection substituted thereby for section 9(4) of the Criminal Appeal (Scotland) Act 1926, in paragraph (d) for the words " remand home " and " home " there shall be substituted the words " place of safety ".

30 In section 78(1), after the definition of "large burgh and small burgh ", there shall be added the following definitions—

“local authority ' has the same meaning as in the Social Work (Scotland) Act 1968 ;

' place of safety' has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

31 (1) In Schedule 2—

- (a) for any reference to a probation officer there shall be substituted a reference to an officer supervising the probationer;
- (b) for any reference to a probation area or a probation committee of a probation area or to the clerk of such a committee, there shall be respectively substituted references to the area of a local authority, a local authority and the director of social work of that area.

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- (2) In paragraph 2(1), for the words from "and which shall" to the end of the sub-paragraph, there shall be substituted the words " and shall require the local authority for that other area to arrange for the probationer to be under the supervision of an officer of that authority. "
- (3) In paragraph (4)(a), for the words from " the probation officer " to " salaried probation officers " there shall be substituted the words " the local authority named in the order, the local authority ".

*Maintenance Orders Act 1950*

- 32 In section 8(1), after the words "the Children Act 1948" there shall be inserted the words " or section 81 of the Social Work (Scotland) Act 1968 ".
- 33 (1) In section 9, in subsection (1), after paragraph (a) there shall be inserted the following paragraph—
  - “(aa) for a contribution order under section 80 of the Social Work (Scotland) Act 1968 (enforcement of duty to make contributions by parents in respect of their children while in the care of a local authority under Part II of that Act or under a supervision requirement);”.
- (2) In subsection (2) after the words " forty-three ", there shall be inserted the words " or the said section 80 ".
- 34 In section 16(2)(b), after sub-paragraph (v) there shall be inserted the following sub-paragraph—
  - “(vi) a contribution order under section 80 of, or a decree or an order made under section 81 of, the Social Work (Scotland) Act 1968 ;”.

*Children and Young Persons Act 1956*

- 35 Any reference to the Children and Young Persons (Scotland) Act 1937, however expressed, or to any provision of that Act shall be omitted.

*Valuation and Rating (Scotland) Act 1956*

- 36 (1) In section 8(1) in paragraph (b) after the word " authority ", there shall be inserted the words " or to a local authority ".
- (2) For paragraph (c), there shall be substituted the following paragraph—
  - “(c) of any structure belonging to a local authority or voluntary organisation being a local authority or a voluntary organisation within the meaning of the Social Work (Scotland) Act 1968 and supplied in pursuance of arrangements made under the Social Work (Scotland) Act 1968 for the use of any persons who are blind, deaf and dumb or who suffer from mental disorder of any description and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may be prescribed by the Secretary of State under that Act;”.

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#### *Adoption Act 1958*

- 37 In section 4(3), paragraph (b) shall be omitted, and after paragraph (c) there shall be inserted the following paragraph—
- “(d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland).”.
- 38 In section 15(4), for the words " (which provides " there shall be substituted the following words " or section 16 of the Social Work (Scotland) Act 1968 (which sections provide ".
- 39 In section 36(2)(a), for the words " or section ninety" to " 1937 " there shall be substituted the words " or section 78 of the Social Work (Scotland) Act 1968 ".
- 40 In section 43(3), after the word " 1948 " there shall be inserted the words " or, as the case may be, section 15 of the Social Work (Scotland) Act 1968 and for the words " that section " there shall be substituted the words " the said section 1 or, as the case may be, the said section 15 ".
- 41 In section 57, in the definition of "place of safety", at the end there shall be inserted the following words " and in Scotland has the same meaning as in the Social Work (Scotland) Act 1968 ; ".

#### *Matrimonial Proceedings (Children) Act 1958*

- 42 In section 10, for subsection (4) there shall be substituted the following subsection—
- “(4) On the making of an order under this section committing the care of a child to a local authority, Part II of the Social Work (Scotland) Act 1968 (which relates to the treatment of children in care of local authorities) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section 15 of that Act, so however that—
- (a) the exercise by the local authority of their powers under or by virtue of sections 5, 20 to 22, 59 and 60 of that Act shall be subject to any directions given by the court; and
- (b) section 23 of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.”.
- 43 (1) In section 11(1), for the words "for the purpose" to " section " there shall be inserted the words " , not being an officer of the local authority for the purpose, appoint an appropriate local authority ", and at the end of the subsection there shall be inserted the following subsection—
- “(1A) In this section " local authority " has the same meaning as in the Social Work (Scotland) Act 1968”.
- (2) In subsection (5), for the words " designated officer " there shall be substituted the words " local authority or other person appointed ".

#### *Children Act 1958*

- 44 (1) In section 2(3)(b), for the words from "Part VI" to " 1937 " there shall be substituted the words " in any residential establishment within the meaning of the Social Work (Scotland) Act 1968 ".

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- (2) In subsection (4), after the words " probation order", there shall be inserted the words " or supervision requirement ".
- 45 (1) In section 6(b), after the words " 1937 " there shall be inserted the words " or a supervision requirement has been made under the Social Work (Scotland) Act 1968 "; and after the words " an order", second occurring, there shall be inserted the words " or a requirement ".
- (2) In paragraph (d), after the words " 1948 " there shall be inserted the words " or under section 16 of the Social Work (Scotland) Act 1968 ; ".
- (3) In paragraph (e), after the words " local health authority " there shall be inserted the words " or in Scotland a local authority ".
- 46 In section 7(4), after the words " section 1 of the Children Act 1948 " there shall be inserted the words " or, as the case may be, Part II of the Social Work (Scotland) Act 1968 ".
- 47 (1) In section 17, in the definition of " place of safety ", after the word " child " there shall be inserted the words " and, in Scotland, has the same meaning as in the Social Work (Scotland) Act 1968, ".
- (2) After the definition of " relative " there shall be inserted the following definitions—  
 “ residential establishment ' has the same meaning as in the Social Work (Scotland) Act 1968 ;  
 ' supervision requirement ' has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

*Mental Health Act 1959*

- 48 In section 10(1)(a), after head (iii) there shall be inserted the following head—  
 “or  
 (iv) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland)”.
- 49 In section 50, after paragraph (c), there shall be inserted the following paragraph—  
 “or  
 (d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland) ", and after the word " three " there shall be inserted the words " or subsection (2) of the said section 17”.

*Mental Health (Scotland) Act 1960*

- 50 Subject to any specific amendment any reference to a local health authority, wherever occurring except in relation to section 7(1), shall be construed as a reference to a "local authority" within the meaning of the Social Work (Scotland) Act 1968.
- 51 (1) In section 7(1), after the words " shall include ", there shall be inserted the words " the ascertainment of mental deficiency in any person not of school age within the meaning of the Education (Scotland) Act 1962.



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- (1A) In relation to the aforesaid persons the purpose for which arrangements are authorised or required to be made by a local authority under the said section 27(1) as read with section 1(4) of the Social Work (Scotland) Act 1968 shall include the following, that is to say—"; and paragraph (e) shall be omitted".
- (2) In subsection (2) for " (1) " where secondly occurring there shall be substituted the word " (1A) ".
- 52 In section 10(1) in paragraph (a) after head (iii) there shall be inserted the following head—
- “or
- (iv) section 17 of the Social Work (Scotland) Act 1968 ;”.
- 53 In section 30(2), for the words " to the local health authority " there shall be substituted the words " in the case of a guardianship application, to the medical officer of the local authority ".
- 54 In section 46, for paragraph (c), there shall be substituted the following paragraphs—
- “(c) section 17 of the Social Work (Scotland) Act 1968 (which relates to children in respect of whom parental rights have been assumed under section 16 of that Act); and
- (d) section 3 of the Children Act 1948 (which makes corresponding provisions in England and Wales)”;
- and after the words " by virtue of " there shall be inserted the words " subsection (2) of the said section 17 or
- 55 In section 57(3)(b), after the word "child", there shall be inserted the words " under sixteen years of age ".
- 56 In section 59(1) for the word " home " there shall be substituted the words " residential establishment ", and for the words " under Part II of the Children Act 1948 " there shall be substituted the words " under Part IV of the Social Work (Scotland) Act 1968 ".
- 57 In section 66(7), for paragraph (a) there shall be substituted the following paragraph—
- “(a) to a person detained in pursuance of any sentence or order for detention made by a court in criminal proceedings (other than an order under section 63 of this Act, or under subsection (3) of section 3 of the Criminal Appeal (Scotland) Act 1926, or under any enactment to which section 64 of this Act applies);”.
- 58 In section 72(1).—
- for the definition of " guardian " there shall be substituted the following definition—
- “" guardian " in relation to a child has the same mean-as in the Social Work (Scotland) Act 1968”;
- in the definition of " place of safety " for the words " and in relation to a child " to the end there shall be substituted the words—
- “and in relation to a child means a place of safety within the meaning of the Social Work (Scotland) Act 1968”.

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after the definition of " place of safety " there shall be added the following definition—

“" residential establishment " has the same meaning as in the Social Work (Scotland) Act 1968”.

59 In section 111, after the definition of "hospital order" there shall be inserted the following definition—

“" local authority " has the same meaning as in the Social Work (Scotland) Act 1968”.

*Health Visiting and Social Work (Training) Act 1962*

60 In section 3(5), after " 1948 ", insert " or under any re-enactment of any of the provisions of the said Parts of the said Acts of 1947 and 1948 contained in Part II of the Social Work (Scotland) Act 1968. ".

*Education (Scotland) Act 1962*

61 In section 36(3), for the words from "if satisfied" to the end of the subsection there shall be substituted the words " refer the child to the reporter of the appropriate local authority. ".

62 (1) In section 44(1), for the words from "that the child be brought" to the end of the subsection there shall be substituted the words " that the case be referred to the reporter of the appropriate local authority and if so referred, shall certify the said failure as a ground established for the purposes of Part III of the Social Work (Scotland) Act 1968. ".

(2) In subsection (2), for the words from " direct" to " juvenile court" there shall be substituted the words " make a direction ".

63 In section 65(1), (3), (4) and (5), for the words "the local health authority" wherever occurring there shall be substituted the words " the local authority ".

64 In section 66(1), for the words " the local health authority " there shall be substituted the words " the local authority ".

65 In section 85(5)(c), from the beginning to " 1937 " there shall be substituted the words " the persons responsible for the management of an establishment or residential establishment within the meaning of the Social Work (Scotland) Act 1968 and the certificated teachers employed therein in the provision of primary, secondary or further education ".

66 In section 141(2), after paragraph (c), there shall be added the following paragraph—

“(d) any child subject to a supervision requirement requiring him to reside in a residential establishment where education is provided”.

67 In section 145, there shall be inserted the following definitions—

(a) after definition (41) there shall be inserted—

“(41A) " residential establishment" has the same meaning as in the Social Work (Scotland) Act 1968 ;”

(b) in definition (42), for the words from " not include " to the end of the definition there shall be substituted the words " an establishment or

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residential establishment within the meaning of the Social Work (Scotland) Act 1968

(c) after definition (46) there shall be inserted—

“(46A) "supervision requirement" has the same meaning as in the Social Work (Scotland) Act 1968 ;”

*Children and Young Persons Act 1963*

68 In section 55, the words from " section 88(5)" to " Scottish Act" shall be omitted and after " 1948 " there shall be inserted the words " or section 23 of the Social Work (Scotland) Act 1968 ".

69 (1) In section 57(2), any reference to a juvenile court shall, in relation to Scotland, be construed as a reference to the sheriff sitting summarily in respect of an offence by a child.

(2) In section 57(3), in paragraph (a), for the words from " a juvenile court", second occurring, to " that Act" there shall be substituted the words " a sheriff court where that court is sitting in any summary proceedings in respect of an offence by a child. "

*Criminal Justice (Scotland) Act 1963*

70 In section 1(4), for the word " seventeen " there shall be substituted the word " sixteen ".

71 In section 7(1), for the word "fourteen" there shall be substituted the word " sixteen ".

72 In section 29, for the words " approved school " there shall be substituted the words " detained in any place under an order made by virtue of section 57 or 58A of the Children and Young Persons (Scotland) Act 1937 ".

*Registration of Births, Deaths and Marriages (Scotland) Act 1965*

73 (1) In section 15, in subsections (1) and (3), for the words "children's officer" there shall be substituted the words " director of social work ".

(2) In subsection (4), for the words " Children and Young Persons (Scotland) Act 1937 " there shall be substituted the words " Social Work (Scotland) Act 1968 ".

*Family Allowances Act 1965*

74 (1) In section 11(1), in paragraph (a) after the word " authorised", there shall be inserted the words " or, as the case may be, his or her residence in a residential establishment is required ", after paragraph (a)(ii) there shall be inserted the following head—

“or

(iii) by a supervision requirement made under section 44 of the Social Work (Scotland) Act 1968;”

and after the words " the school", there shall be inserted the words " or, as the case may be, the residential establishment ", , and in paragraph (b), for the words " the said Act of 1937 " there shall be substituted the words " the Children and Young Persons (Scotland) Act 1937 " and after paragraph (b) there shall be inserted the following paragraph—

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“(bb) during which the child is liable to undergo residential training under committal by virtue of section 58A of the said Act of 1937 and is not released under that section;”,

and after paragraph (c) there shall be added the following paragraph—

“(cc) during which the child is accommodated by virtue of rules made by the Secretary of State under section 45 of the Social Work (Scotland) Act 1968”.

(2) In subsection (3), after the words " 1948 " there shall be inserted the words " or, under section 16(1) of the Social Work (Scotland) Act 1968 ", and in the proviso thereto, after the words " 1948 " there shall be inserted the words " or of sections 17 or 18 of the said Act of 1968 ".

(3) After subsection (6) there shall be added the following subsection—

“(7) In subsection (1) of this section as amended by the Social Work (Scotland) Act 1968 the expressions 'residential establishment' and ' supervision requirement' have the meanings assigned to them by section 94 of that Act.”.