



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART VI

CONTRIBUTIONS IN RESPECT OF CHILDREN IN CARE ETC.

78 Duty to make contributions in respect of children in care etc.

- (1) Where a child [^{F1}is being looked after by a local authority] or a [^{F2}compulsory supervision order] to which this Part of this Act applies has been made in respect of him, contributions in respect of the child (hereinafter in this Part of this Act referred to as the “maintainable child”) shall be payable—
- while the maintainable child is under sixteen years of age, by [^{F3}any natural person who has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to him];
 - if he is over sixteen years of age . . . ^{F4}, by the maintainable child himself.

[^{F5}(2) This Part of this Act applies to any [^{F6}compulsory supervision order which] requires the child concerned to reside in a place or places other than his own home.]

[^{F7}(2A) No contributions shall be payable under subsection (1)(a) of this section by a contributor during a period when he is in receipt [^{F8}of [^{F9}universal credit under Part 1 of the Welfare Reform Act 2012,] income support [^{F10}, an income based jobseeker’s allowance (payable under the Jobseekers Act 1995)] [^{F11}, an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance)] or family credit.]]

- (3) In this Part of this Act “contributor” means a person liable to make contributions by virtue of subsection (1) of this section in respect of a maintainable child.

Textual Amendments

- F1** Words in s. 78(1) substituted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), Sch. 4 para. 15(17)(a)(i) (with s. 103(1)); S.I. 1996/3201, art. 3(6)(7) (which said art.

Changes to legislation: *Social Work (Scotland) Act 1968, Section 78 is up to date with all changes known to be in force on or before 19 October 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*

3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**)

- F2** Words in s. 78(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(10)(a)**
- F3** Words in s. 78(1)(a) substituted (1.11.1996) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(17)(a)(ii)** (with s. 103(1)); S.I. 1996/2203, art. 3, **Sch.** (subject to arts. 4-7)
- F4** Words repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 10 Pt. I**
- F5** S. 78(2) substituted (12.12.1996 for certain purposes and otherwise 1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 15(17)(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)(7)** (which said art. 3(7) was substituted (7.3.1997) by S.I. 1997/744, **art. 2** (with transitional provisions inserted into S.I. 1996/3201 by **art. 3**))
- F6** Words in s. 78(2) 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(10)(b)**
- F7** S. 78(2A) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **s. 19(6)(b)**
- F8** Words substituted by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(1), **Sch. 10 para. 41(1)**
- F9** Words in s. 78(2A) inserted (29.4.2013) by The Welfare Reform (Consequential Amendments) (Scotland) (No. 2) Regulations 2013 (S.S.I. 2013/137), regs. 1, 2
- F10** Words in s. 78(2A) inserted (7.10.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 1**; S.I. 1996/2208, **art. 2(b)**
- F11** Words in s. 78(2A) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 1**; S.I. 2008/787, art. 2(4)(f)

Modifications etc. (not altering text)

- C1** S. 78 excluded by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), **s. 31(3)**

Changes to legislation:

Social Work (Scotland) Act 1968, Section 78 is up to date with all changes known to be in force on or before 19 October 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 78(2A) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

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. 27(1)(za) inserted by [2023 asp 4 s. 1\(5\)](#)
- 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](#)