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**Changes to legislation:** National Health Service and Community Care Act 1990, Cross Heading: The Social Work (Scotland) Act 1968 is up to date with all changes known to be in force on or before 02 June 2024. 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

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## SCHEDULES

### SCHEDULE 9

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Social Work (Scotland) Act 1968*

- 10 (1) The <sup>M1</sup>Social Work (Scotland) Act 1968 shall be amended as follows.
- (2) In section 2 (the social work committee), in subsection (2) after paragraph (k) there shall be inserted—
- “(l) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
  - (m) the Access to Personal Files Act 1987.”
- (3) In section 4 (provisions relating to performance of functions by local authorities), after the word “Act”, there shall be inserted the words “or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984,”.
- (4) <sup>F1</sup> .....
- (5) In section 12 (general social welfare services of local authorities) at the end there shall be inserted—
- “(6) For the purposes of subsection (2) of this section “person in need” includes a person who is in need of care and attention arising out of drug or alcohol dependency or release from prison or other form of detention.”
- (6) In section 14 (home help), for the words—
- (a) “home help”, where they first occur there shall be substituted the words “domiciliary services”;
  - (b) “help is”, there shall be substituted the words “services are”; and
  - (c) “home help is”, there shall be substituted the words “domiciliary services are”.
- (7) In section 59(1) (provision of residential and other establishments), at the beginning there shall be inserted the words “Subject to section 13A of this Act,”.
- <sup>F2</sup>(8) In section 61(1A) (definition of “establishment”)—
- (a) after the word “include” there shall be inserted “(a)”; and
  - (b) at the end of the definition of “establishment” there shall be inserted—
    - “; or
    - (b) any establishment providing residential accommodation with nursing falling within section 13A of this Act;”.
- (9) In subsection (1) of section 67 (inspection of establishments by local authorities)—

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- (a) for the words “duly authorised officer of” there shall be substituted the words “person duly authorised by”;
  - (b) for the words “required to be kept therein by virtue of this Part of this Act” there shall be substituted the words “(in whatever form they are held) relating to the place or to any person for whom services have been or are provided there by virtue of this Act or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984”;
  - (c) after the words “subsections (2)”, there shall be inserted the words “to (2D)”;
  - (d) for the words “an officer”, where they first occur, there shall be substituted the words “a person”; and
  - (e) for the words “an officer of” there shall be substituted the words “a person authorised by”.
- (10) In subsection (2) of the said section 67, for the word “officer”, in both places where it occurs, there shall be substituted the word “person”.]
- (11) In subsection (1)(d) of section 86 (adjustments between authority providing accommodation etc., and authority of area of residence), at the end there shall be inserted—
- “or
- (e) in the provision of accommodation, services or facilities for persons ordinarily so resident under section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984;”.
- (12) In subsection (3) of the said section 86, after the words “1978” there shall be inserted the words “or in a hospital managed by a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or section 12A of the National Health Service (Scotland) Act 1978”.
- (13) In section 87 (charges for services and accommodation),—
- (a) in subsection (1), after the words “under this Act”, there shall be inserted the words “or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984”;
  - (b) in subsection (1A), after the words “under this Act”, there shall be inserted the words “or section 7 or 8 of the said Act of 1984”;
  - (c) in subsections (2), (3) and (4), after the words “under this Act”, there shall be inserted the words “or section 7 of the said Act of 1984;” and
  - (d) in subsection (4), after the word “organisation” there shall be inserted the words “or any other person or body”.
- (14) In subsection (1) of section 94 (interpretation),—
- (a) after the definition of “contributor” there shall be inserted the following definition—
    - ““domiciliary services” means any services, being services provided in the home, which appear to a local authority to be necessary for the purpose of enabling a person to maintain as independent an existence as is practicable in his home;”;
    - and
  - (b) in the definition of “hospital”, after the words “1978” there shall be inserted—

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“(aa) any hospital managed by a National Health Service trust established under section 12A of the National Health Service (Scotland) Act 1978;”.

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#### Textual Amendments

- F1** Sch. 9 para. 10(4) repealed (S.) (23.2.2006) by Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3), ss. 8(4)(e), 10(2)
- F2** Sch. 9 para. 10(8)-(10) repealed (S.) (1.4.2002) by 2001 asp 8, ss. 80(1), 81(2), Sch. 4; S.S.I. 2002/162, art. 2(i)

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#### Commencement Information

- II** Sch. 9 para. 10 partly in force; Sch. 9 para. 10 not in force at Royal Assent see s.67(2); Sch. 9 para. 10(12)(14)(b) in force at 24.07.1990 by S.I. 1990/1520; Sch. 9 para. 10(2)-(6)(9)-(11)(13)(14)(a) in force at 1.4.1991 by S.I. 1990/2510, art. 2, Sch.; Sch. 9 para. 10(7)(8) in force at 1.4.1993 by S.I. 1992/2975, art. 2(2), Sch.

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#### Marginal Citations

- M1** 1968 c. 49.

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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. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))