1969 No. 1274 (C.36) (S.104)

SOCIAL WORK, SCOTLAND

The Social Work (Scotland) Act 1968 (Commencement No. 2) Order 1969

Made - - - 4th September 1969

In exercise of the powers conferred on me by section 98 of the Social Work (Scotland) Act 1968(a), I hereby make the following order:—

1. This Order may be cited as the Social Work (Scotland) Act 1968 (Commencement No. 2) Order 1969.

2. The provisions of the Social Work (Scotland) Act 1968 specified in the Schedule to this Order shall come into operation on 17th November 1969 to the extent specified therein.

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
4th September 1969.

(a) 1968 c. 49.

SCHEDULE

Provisions Coming Into Force 17th November 1969

Provisions of the Act	Subject matter of provisions
Section 1(4)	Functions of local authorities.
Section 2(2) and (4)	Functions of social work committee.
Section 3(9)	Repeal of section 41 of Children Act 1948(a).
Section 4	Provisions relating to performance of functions by local authorities.
Section 6	Supervision of establishments providing accommodation for persons and inspection of records, etc.
Section 11	Acquisition of land.
Section 12	General social welfare services of local authorities.
Section 13	Power of local authorities to assist persons in need in disposal of produce of their work.
Section 14(4) to the extent that it provides for sections 44 and 45 of the Health Services and Public Health Act 1968 to cease to have effect.	Repeal of sections 44 and 45 of Health Services and Public Health Act 1968(b).
Section 15	Duty of local authority to provide for orphans, deserted children, etc.
Section 16	Assumption by local authority of parental rights.
Section 17	Effect of assumption by local authority of parental rights.
Section 18	Duration and rescission of resolutions under section 16.
Section 20	Duty of local authority to further the best interests of a child in their care and to afford opportunity for his proper development.
Section 21	Mode of provision of accommodation and maintenance.
Section 22	Removal of children in residential establishments.
Section 23	Power of local authorities and voluntary organisations to arrange for emigration of children.

(a) 1948 c. 43.

(b) 1968 c. 46.

Provisions of the Act	Subject matter of provisions
Section 24	Financial assistance towards expenses of maintenance, education or training of persons over school age.
Section 25	Power of local authority to guarantee indentures and other deeds of apprenticeship, etc., of persons in their care.
Section 26	After-care of children formerly in care of local authorities or voluntary organisations.
Section 27(1), (6) and (7)	Supervision and care of persons put on probation or released from prisons, etc.
Section 28	Burial or cremation of the dead.
Section 29	Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.
Section 33	Formation of children's panels.
Section 35(4) and (5)	Rules for children's hearings.
Section 36(8)	Rules in relation to the duties of reporter.
Section 45	Rules as respects transmission of information and conveyance of children to residential establishments, etc.
Section 59	Provision of residential and other establishments by local authorities, and maximum period for repayment of sums borrowed for such provision.
Section 61	Restriction on carrying on of establishments.
Section 62(1) and (3)—(10)	Registration.
Section 64	Appeals against refusal or cancellation of registration.
Section 65	Removal of persons from establishments.
Section 66	Duty to furnish particulars of establishments.
Section 67	Inspection of establishments by local authorities.
Section 68	Visiting of persons in establishments on behalf of local authorities.
Section 86	Adjustments between authority providing accommodation, etc., and authority of area of residence.

Provisions of the Act	Subject matter of provisions
Section 87(1)—(4) and (6)	Charges that may be made for services and accommodation.
Section 88	Duty of parents to notify change of address.
Section 89	Application of Tribunals and Inquiries Act 1958(a).
Section 93	Transitional provisions.
Section 95(1) and (3)	Minor and consequential amendments and savings.
Section 97(1) (to the extent that it extends to England and Wales the application of the provisions of sections 86 and 87, and of Schedule 8 and Part II of Schedule 9 insofar as these are brought into operation by this order) and (4).	Extension of certain provisions of the Act to England and Wales.
Schedule 3	Children's Panels.
Schedule 5	Appeal Tribunals.
Paragraphs 1, 3, 8 and 9 of Schedule 7	Transitional provisions.
So much of Schedule 8 as is specified in Appendix A hereto.	Minor and consequential amendments.
So much of Schedule 9 as is specified in Appendix B hereto.	Enactments repealed.

APPENDIX A TO SCHEDULE

Provision of Schedule 8	Enactment amended
Paragraph 2	Section 70(2) of the Children and Young Persons Act 1933(b).
Paragraph 3	Section 76(1B) of the Children and Young Persons Act 1933.
Paragraph 4	Section 90(6) of the Children and Young Persons Act 1933.
Paragraph 8	Section 101 of the Children and Young Persons (Scotland) Act 1937(c).
Paragraph 11	Section 15(1) and (4) of the National Health Service (Scotland) Act 1947(d).
Paragraph 12	Section 27 of the National Health Service (Scotland) Act 1947.

(a) 1958 c. 66. (b) 1933 c. 12. (c) 1937 c. 37. (d) 1947 c. 27.

Provision of Schedule 8	Enactment amended
Paragraph 13	Section 63 of the National Health Service (Scotland) Act 1947.
Paragraph 14	Section 32(1) of the National Assistance Act 1948(a).
Paragraph 15	Section 41 of the National Assistance Act 1948.
Paragraph 16	Section 65 of the National Assistance Act 1948.
Paragraph 17	Section 1(4) and (5) of the Children Act 1948.
Paragraph 18	Section 13(1) of the Children Act 1948.
Paragraph 19	Section 59(1) of the Children Act 1948.
Paragraph 20	Nurseries and Child-Minders Regulation Act 1948(b).
Paragraph 22	Section 2 of the Criminal Justice (Scotland) Act 1949(c).
Paragraph 23	Section 3(4) and (6) of the Criminal Justice (Scotland) Act 1949.
Paragraph 24	Section 5(1) of the Criminal Justice (Scotland) Act 1949.
Paragraph 27 in so far as it substitutes the words "an officer of a local authority" for the words "a probation officer".	Section 10 of the Criminal Justice (Scotland) Act 1949.
Paragraph 30 in so far as it adds a definition of "local authority".	Section 78(1) of the Criminal Justice (Scotland) Act 1949.
Paragraph 31	Schedule 2 to the Criminal Justice (Scotland) Act 1949.
Paragraph 36	Section 8(1) of the Valuation and Rating (Scotland) Act 1956(d).
Paragraph 37 in so far as it inserts a new paragraph (d).	Section 4(3) of the Adoption Act 1958(e).
Paragraph 38	Section 15(4) of the Adoption Act 1958.
Paragraph 40	Section 43(3) of the Adoption Act 1958.
Paragraph 41	Section 57 of the Adoption Act 1958.

(a) 1948 c. 29. (b) 1948 c. 53. (c) 1949 c. 94.
(d) 1956 c. 60. (e) 7 & 8 Eliz. 2 c. 5.

Provision of Schedule 8	Enactment amended
Paragraph 42	Section 10(4) of the Matrimonial Proceedings (Children) Act 1958(a).
Paragraph 43	Section 11 of the Matrimonial Proceedings (Children) Act 1958.
Paragraph 44	Section 2(3) and (4) of the Children Act 1958.
Paragraph 45	Section 6 of the Children Act 1958.
Paragraph 46	Section 7(4) of the Children Act 1958.
Paragraph 47	Section 17 of the Children Act 1958.
Paragraph 48	Section 10(1) of the Mental Health Act 1959(b).
Paragraph 49	Section 50 of the Mental Health Act 1959.
Paragraph 50	Mental Health (Scotland) Act 1960 (c).
Paragraph 51	Section 7 of the Mental Health (Scotland) Act 1960.
Paragraph 52	Section 10(1) of the Mental Health (Scotland) Act 1960.
Paragraph 53	Section 30(2) of the Mental Health (Scotland) Act 1960.
Paragraph 54	Section 46 of the Mental Health (Scotland) Act 1960.
Paragraph 56	Section 59(1) of the Mental Health (Scotland) Act 1960.
Paragraph 58 in so far as it inserts a definition of "residential establishment".	Section 72(1) of the Mental Health (Scotland) Act 1960.
Paragraph 59	Section 111 of the Mental Health (Scotland) Act 1960.
Paragraph 60	Section 3(5) of the Health Visiting and Social Work (Training) Act 1962(d).
Paragraph 68 in so far as it inserts a reference to section 23 of the Social Work (Scotland) Act 1968.	Section 55 of the Children and Young Persons Act 1963(e).
Paragraph 73	Section 15 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(f).
Paragraph 74(2)	Section 11(3) of the Family Allowances Act 1965(g).

(a) 1958 c. 40. (b) 1959 c. 72. (c) 1960 c. 61.
(d) 1962 c. 33. (e) 1963 c. 37. (f) 1965 c. 49. (g) 1965 c. 53.

APPENDIX B TO SCHEDULE

(Provisions of Schedule 9 to the Act)

PART I

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6 c. 37.	The Children and Young Persons (Scotland) Act 1937	Sections 96 to 98. Section 106.
11 & 12 Geo. 6 c. 29.	The National Assistance Act 1948	Section 21. Section 22(1). Sections 23 and 24. Section 26(1) and (5).
11 & 12 Geo. 6 c. 29.	The National Assistance Act 1948	Section 27. Sections 29 and 30. Section 32. Sections 34 to 40. Section 50(3). Section 58(1) and (4).
11 & 12 Geo. 6 c. 43.	The Children Act 1948	The Whole Act except sections 5 and 6(3) and (4) and Part III.
12, 13 & 14 Geo. 6 c. 94.	The Criminal Justice (Scotland) Act 1949	Section 2(3) and (9). In section 7, in subsection (2), the words from "to omit" to "and", and in subsection (4), the words "to (3)". Sections 11 to 13. In section 75 subsections (1) (a), (3) (d), (4) (a) and (c), insofar as they refer to the training of probation officers or of officers or servants serving in approved probation hostels or homes or of persons for appointment as probation officers or as such officers or servants; subsections (3) (a) to (c), (4) (b) and (5). In section 78(1) the definitions of "Approved probation hostel" and "Approved probation home", "Salaried probation officer", "Voluntary probation officer", "Whole-time probation officer". Schedule 1. Schedule 2 to the extent specified in Schedule 9. Schedule 3.

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2 c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956	In section 1(1) (d), the words from "or" to "1949".
6 & 7 Eliz. 2 c. 40.	The Matrimonial Proceedings (Children) Act 1958	Section 11(2) and (3). In section 12(1), the words "of a probation officer or", and section 12(3).
8 & 9 Eliz. 2 c. 61.	The Mental Health (Scotland) Act 1960	Sections 8 and 9. Section 12(2). Sections 19 to 21. In section 111(1), the definition of "residential home for persons suffering from mental disorder".
1963 c. 37.	The Children and Young Persons Act 1963	Section 1. Sections 45 to 50. Section 58.
1963 c. 39.	The Criminal Justice (Scotland) Act 1963	Section 15(1).
1968 c. 46.	The Health Services and Public Health Act 1968	Section 44. Section 45.

PART II

Chapter	Short Title	Extent of Repeal
1963 c. 37.	The Children and Young Persons Act 1963	In section 45(1) the words "the Children and Young Persons (Scotland) Acts 1937 and 1956".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This second commencement Order under the Social Work (Scotland) Act 1968 brings into operation those provisions of the Act which are set out in the Schedule to the Order. These include provisions placing on local authorities a general duty to promote social welfare and to provide advice, guidance and assistance together with responsibility for social work services comprehending child care, welfare, social support of the ill and supervision of offenders and after care of prisoners; provisions relating to the provision, registration and control of residential and other establishments and provisions relating to the appointment of Children's Panel Advisory Committees and children's panels.