



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 11

#### LOCAL AUTHORITY FUNCTIONS

#### **71 Advice, guidance and assistance to persons arrested or on whom sentence deferred**

- (1) The Social Work (Scotland) Act 1968 (c. 49) is amended as follows.
- (2) In subsection (1) of section 27 (which requires local authorities, among other things, to provide advice, guidance and assistance for persons in their area who are subject to supervision or treatment by virtue of a court order, enactment or licence or of a referral to a local authority in the absence of prosecution, who are subject to a community service or probation order or who are released from detention), after paragraph (ab) there is inserted—
  - “(ac) the provision of advice, guidance and assistance for persons who are in prison or subject to any other form of detention and who—
    - (i) resided in their area immediately prior to such imprisonment or detention; or
    - (ii) intend to reside in their area on release from such imprisonment or detention,and who on release from such imprisonment or detention, it appears to the local authority, will be required to be under supervision under any enactment or by the terms of an order or licence of the Scottish Ministers or of a condition or requirement imposed in pursuance of an enactment;”.
- (3) After that subsection there is inserted—
  - “(1A) A local authority may provide advice, guidance or assistance for any person who—
    - (a) would fall to be provided for under paragraph (ac) of subsection (1) above but for the fact that it appears to the local authority that he will not be required to be under any form of supervision on release as mentioned in that paragraph; and
    - (b) requests such advice, guidance or assistance.

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*Status: This is the original version (as it was originally enacted).*

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(1B) Where as respects any person more than one local authority is required by paragraph (ac) of subsection (1) to make such provision as is mentioned in that paragraph, they may agree between themselves that only one of them shall do so; and where there is such agreement the paragraph shall apply accordingly.”.

(4) After that section there is inserted—

**“27ZA Advice, guidance and assistance to persons arrested or on whom sentence deferred**

(1) It shall be a function of a local authority, if and to such extent as the Scottish Ministers so direct and in accordance with the direction, to provide, directly or indirectly, advice, guidance and assistance to any person (and in particular to any person who appears to the local authority to have dependency problems)

- (a) who is arrested and detained in police custody in their area, but only during the period of such detention; or
- (b) on whom sentence is deferred under section 202(1) of the 1995 Act, but only during the period of deferment and while that person is in their area.

(2) The function mentioned in subsection (1)(a) above may continue to be exercised by the local authority while the person is in their area for a period not exceeding 12 months from the date of his release from police custody.

(3) In subsection (1) above, “dependency problems” means problems relating to a dependency on drugs, alcohol or some other substance.”.

(5) In paragraph (a) of section 27A(1) (which enables the Scottish Ministers to make grants to a local authority in respect of expenditure incurred by the authority for the purposes mentioned in section 27(1)), after the words “27(1)” there is inserted “or 27ZA”.

**72 Grants to local authorities discharging certain functions jointly**

In section 27A of the Social Work (Scotland) Act 1968 (which enables the Scottish Ministers to make grants to a local authority in respect of expenditure incurred by the authority for purposes connected with the provision of reports in relation to offenders and with the supervision and care of certain persons subject to supervision or treatment by virtue of court order, enactment or licence or of referral to a local authority in the absence of prosecution), after subsection (1) there is inserted—

“(1A) In a case where two or more local authorities are discharging any function mentioned in section 27(1) or 27ZA of this Act jointly, whether or not in accordance with arrangements made under section 56(5) of the Local Government (Scotland) Act 1973 (c. 65), the power of the Scottish Ministers to make grants under subsection (1) above in respect of expenditure incurred for the purposes mentioned in paragraph (a) of that subsection includes a power to make such grants, on such conditions as are mentioned in that subsection, to a local authority nominated by the local authorities from among their number.”.