



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART IV

RESIDENTIAL AND OTHER ESTABLISHMENTS

Provision of residential and other establishments

59 Provision of residential and other establishments by local authorities, and maximum period for repayment of sums borrowed for such provision.

- (1) ^{F1}^{F2}Without prejudice to their duties under^{F3} sections 12 and 13A] of this Act,] it shall be the duty of a local authority to provide and maintain such residential and other establishments as may be required for their functions under this Act ^{F4}sections 25 and 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)]^{F5}, Part 2 of the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1)], or arrange for the provision of such establishments.
- (2) For the purpose of discharging their duty under the foregoing subsection a local authority may—
 - (a) themselves provide such establishments as aforesaid; or
 - (b) join with another local authority in providing those establishments; or
 - (c) secure the provision of such establishments by voluntary organisations or other persons including other local authorities.
- (3) The maximum period for the repayment of sums borrowed by a local authority for the purposes of this section shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly in Schedule 6 to the ^{M1}Local Government (Scotland) Act 1947, at the end, there shall be added the following entry, that is to say—

“Section 59 of the Social Work (Scotland) Act 1968. Such period not exceeding sixty years as may be sanctioned by the Secretary of State.”

Status: Point in time view as at 30/11/2020.

Changes to legislation: Social Work (Scotland) Act 1968, Part IV is up to date with all changes known to be in force on or before 05 August 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)

Textual Amendments

- F1** Words in s. 59 inserted (1.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 10\(7\)](#); S.I. 1992/2975, art. 2(2), [Sch.](#)
- F2** Words in s. 59(1) substituted (1.4.2002) by [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), s. 72(c); S.S.I. 2002/162, [art. 2](#) (with arts. 3-13)
- F3** Words in s. 59(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 4 para. 1\(6\)](#); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
- F4** Words in s. 59(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), [ss. 25\(4\)](#), 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
- F5** Words in s. 59(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\(9\)](#)

Marginal Citations

- M1** 1947 c. 43.

[^{F6}**59A Grants in respect of secure accommodation for children.**

- (1) The Secretary of State may make to a local authority grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority in—
 - (a) providing;
 - (b) joining with another local authority in providing; or
 - (c) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of secure accommodation . . . ^{F7}]
- (2) The conditions subject to which grants are made under subsection (1) of this section may include conditions for securing the repayment in whole or in part of such grants.
- (3) ^{F8}

Textual Amendments

- F6** [S. 59A](#) inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [s. 72](#)
- F7** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 10 Pt. I](#).
- F8** [S.59A\(3\)](#) repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 10 Pt. I](#)

60 Control of residential and other establishments.

- ^{F9}

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Textual Amendments

- F9** S. 60 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

Registration of certain residential and other establishments

61 Restriction on carrying on of establishments.

F10

Textual Amendments

- F10** S. 61 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

61A Voluntary registration.

F11

Textual Amendments

- F11** S. 61A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

62 Registration.

F12

Textual Amendments

- F12** S. 62 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

62A Certificate of registration as respects grant-aided or independent school.

F13

Textual Amendments

- F13** S. 62A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

63 Special provisions for registration by Secretary of State.

F14

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Textual Amendments

F14 S. 63 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

63A Appeals against conditions imposed on registration or subsequently.

F15

Textual Amendments

F15 S. 63A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

63B Special provisions for jointly registrable establishments.

F16

Textual Amendments

F16 S. 63B repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

64 Appeals against refusal or cancellation of registration.

F17

Textual Amendments

F17 S. 64 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

64A Registration fees.

F18

Textual Amendments

F18 S. 64A repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

65 Removal of persons from establishments.

F19

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Textual Amendments

F19 S. 65 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

66 Duty to furnish particulars of establishments.

F20

Textual Amendments

F20 S. 66 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

67 Entry to examine state and management of establishments etc.

F21

Textual Amendments

F21 S. 67 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

68 Visiting of persons in establishments on behalf of local authorities.

F22

Textual Amendments

F22 S. 68 repealed (1.4.2002) by Regulation of Care (Scotland) Act 2001 (asp 8), s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2** (with arts. 3-13)

Status:

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