



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART II

PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

Supervision and care of persons put on probation or released from prisons etc.

[^{F1}27 Supervision and care of persons put on probation or released from prisons etc.

- (1) It shall be a function of every local authority under this Part of this Act to provide a service for the following purposes, that is to say—
- (a) making available to any court such social background reports and other reports relating to persons appearing before the court which the court may require for the disposal of a case
 - [^{F2}(aa) making available to any children's hearing such reports relating to persons aged 16 and 17 years in relation to the commission of an offence, as the hearing may require for the disposal of a case;
 - (ab) making available to any procurator fiscal or the Lord Advocate such reports as the procurator fiscal or the Lord Advocate may request in relation to persons who are charged with an offence;]
 - (b) the supervision of, and the provision of advice, guidance and assistance for—
 - (i) persons in their area who are under supervision by order of a court made in exercise of its criminal jurisdiction by virtue of any enactment, and
 - (ii) persons in their area who, following on release from prison or any other form of detention, are required to be under supervision under any enactment or by the terms of an order or licence of the Secretary of State or of a condition or requirement imposed in pursuance of any enactment.
 - [^{F3}(and) without prejudice to sub-paragraphs (i) and (ii) above, persons in the area who are subject to a community service order under [^{F4}section 238 of the Criminal Procedure (Scotland) Act 1995] or a

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- probation order which includes a requirement that the offender shall perform unpaid work]^{F5}; and]
- ^{F5}(iv) without prejudice to paragraphs (i) to (iii) above, persons in their area who are subject to supervised attendance orders under [^{F6}section 235 of the said Act of 1995.] [^{F7}; and]
- ^{F8}(v) without prejudice to sub-paragraphs (i) to (iv) above, persons in their area who are subject to a supervision and treatment order made under section 57(2)(d) of the Criminal Procedure (Scotland) Act 1995; and
- (vi) persons in their area aged 16 and 17 years who are subject to a supervision requirement imposed in relation to the commission of any offence by that person; and
- (vii) persons in their area who are charged with, but not prosecuted for, any offence and are referred to the local authority by the procurator fiscal or the Lord Advocate; and]
- ^{F7}(c) the provision of advice, guidance and assistance for persons in their area who, within 12 months of their release from prison or any other form of detention, request such advice, guidance or assistance.]
- (2) For the purposes of the foregoing subsection every local authority shall, after consultation with the sheriffs having jurisdiction in their area, prepare a scheme (hereinafter referred to as a [^{F9}probation, community service and supervised attendance scheme]) and submit it by such date, as he may require, to the Secretary of State for his approval.
- (3) A [^{F9}probation, community service and supervised attendance scheme] shall make provision with regard to the following matters—
- (a) the manner in which any report requested by the court from the local authority is to be prepared and submitted to the court;
- ^{F10}(aa) the matters to be included in such a report;]
- (b) arrangements for the attendance of officers of the local authority at the court;
- (c) arrangements for the co-operation of the local authorities with the courts, and such arrangements may include the appointment of one or more sheriffs having jurisdiction in their areas to [^{F11}a committee or sub-committee of such authorities];
- (d) arrangements for the keeping of adequate records and statistics regarding the performance of functions under this section; and
- (e) such other matters as the local authority considers relevant to the service to be provided.
- (4) The Secretary of State may approve a [^{F9}probation, community service and supervised attendance scheme] with or without modifications.
- (5) A local authority may apply to the Secretary of State for the revision of a [^{F9}probation, community service and supervised attendance scheme] and, if the Secretary of State so requires, shall prepare and submit to the Secretary of State for his approval a revised scheme or a modification of an existing scheme.
- (6) Any function required by any enactment to be performed by a probation officer shall, after the coming into operation of this Part of this Act, be performed by an officer of the appropriate local authority.
- (7) Section 11 of and Schedule 3 to the ^{M1}Criminal Justice (Scotland) Act 1949 (administrative provisions as to probation) shall cease to have effect.]

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Textual Amendments

- F1** Word and s. 27(1)(b)(iii) added by Community Service by [Offenders \(Scotland\) Act 1978 \(c. 49, SIF 39:1\)](#), [Sch. 2 para. 1\(a\)](#)
- F2** [S. 27\(1\)\(aa\)\(ab\)](#) inserted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 6\(4\)\(a\)](#) (which insertion fell (1.8.1997) by reason of the repeal of [1995 c. 40, Sch. 4 para. 6\(4\)\(a\)](#) by [1997 c. 48, s. 62\(2\)](#), [Sch. 3](#); [S.I. 1997/1712, art. 3, Sch.](#))
- F3** Word and s. 27(1)(b)(iii) added by Community Service by [Offenders \(Scotland\) Act 1978 \(c. 49, SIF 39:1\)](#), [Sch. 2 para. 1\(a\)](#)
- F4** Words in s. 27(1)(b)(iii) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 6\(4\)\(b\)](#)
- F5** [S. 27\(1\)\(b\)\(iv\)](#) and the word “; and” immediately preceding it inserted (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), s. 62(5), [Sch. 6 para. 8\(a\)](#); [S.I. 1991/850, art. 3, Schedule](#)
- F6** Words in s. 27(1)(b)(iv) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 6\(4\)\(c\)](#)
- F7** [S. 27\(1\)\(c\)](#) and the word “; and” immediately preceding it added (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), s. 61(4)(a); [S.I. 1991/850, art. 3, Schedule](#)
- F8** [S. 27\(1\)\(b\)\(v\)-\(vii\)](#) inserted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 6\(4\)\(d\)](#) (which insertion fell (1.8.1997) by reason of the repeal of [1995 c. 40, Sch. 4 para. 6\(4\)\(d\)](#) by [1997 c. 48, s. 62\(2\)](#), [Sch. 3](#); [S.I. 1997/1712, art. 3, Sch.](#))
- F9** Words in s. 27(4) substituted (1.4.1991) by virtue of [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), s. 62(5), [Sch. 6 para. 8\(b\)](#); [S.I. 1991/850, art. 3, Schedule](#)
- F10** [S. 27\(3\)\(aa\)](#) inserted (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), s. 61(4)(b); [S.I. 1991/850, art. 3, Schedule](#)
- F11** Words in s. 27(3)(c) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 76\(9\)](#); [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)

Modifications etc. (not altering text)

- C1** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1949 c. 94.](#)

[^{F12}27A Grants in respect of community service facilities

[The Secretary of State may make to a local authority grants of such amount and subject ^{F13}(1)] to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority in providing a service

[for the purposes mentioned in section 27(1) of this Act; and ^{F14}(a)

(b) for such other similar purposes as the Secretary of State may prescribe.

(2) Before exercising his power under subsection (1)(b) above the Secretary of State shall consult local authorities and such other bodies as he considers appropriate.]]

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Textual Amendments

- F12** S. 27A inserted by Community Service by [Offenders \(Scotland\) Act 1978 \(c. 49, SIF 39:1\)](#), [s. 9](#)
- F13** In s. 27A “(1)” inserted (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), [s. 61\(5\)\(a\)](#); S.I. 1991/850, [art. 3](#), Schedule
- F14** S. 27A(1)(a)(b)(2) substituted (1.4.1991) for words by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), [s. 61\(5\)\(b\)](#); S.I. 1991/850, [art. 3](#), Schedule

[^{F15}27B Grants in respect of hostel accommodation for persons under supervision.

[The Secretary of State may make to a local authority grants of such amount and subject ^{F16}(1)] to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority under this Act in—

- (a) providing; or
- (b) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of,

residential accommodation wholly or mainly for the persons mentioned in [^{F17}subsection (2) below.

- (2) The persons referred to in subsection (1) above are–
 - (a) persons mentioned in section 27(1)(b)(i) and (ii) of this Act;
 - (b) persons who have been charged with an offence and are on bail;
 - (c) persons who have been released from prison or any other form of detention but do not fall within section 27(1)(b)(ii) of this Act; and
 - (d) such other classes of persons as the Secretary of State may prescribe.

- (3) Before exercising his power under subsection (2)(d) above the Secretary of State shall consult local authorities and such other persons as he considers appropriate.]]

Textual Amendments

- F15** S. 27B inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [s. 79](#)
- F16** In s. 27B “(1)” inserted (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), [s. 61\(6\)\(a\)](#); S.I. 1991/850, [art. 3](#), Schedule
- F17** S. 27B(2)(3) and the words “subsection (2) below.” preceding them substituted (1.4.1991) for words by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\)](#), [s. 61\(6\)\(b\)](#); S.I. 1991/850, [art. 3](#), Schedule

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