



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART VII

MISCELLANEOUS AND GENERAL

General

84 Transfer of assets and liabilities

Where any functions are transferred to a local authority by virtue of this Act all property, rights, liabilities and obligations relating to the performance of those functions which immediately before the date of transfer were the property, rights, liabilities and obligations of the body or person from which the functions are transferred shall on that date be transferred to and vest in the local authority or, as the case may be, the local authorities to which the functions have been transferred, and the provisions of Schedule 6 to this Act shall have effect for the purposes of this section.

85 Transfer and compensation of officers

- (1) The Secretary of State shall provide by regulations for the transfer of existing officers of local authorities and of probation committees affected by the coming into operation of this Act and such regulations shall contain such provisions for the protection of the interests of any such existing officers as he may consider necessary.
- (2) Without prejudice to their generality, regulations under the foregoing subsection may include provision for the determination by the Secretary of State of questions arising out of the allocation of existing officers of a probation committee to any of the local authorities in whose area the area, or part of the area, of that committee is situated immediately before the commencement of this Act.
- (3) The Secretary of State may make regulations for the extending, with such modifications as may be specified in the regulations, of the provisions of the Local Government Superannuation (Scotland) Acts 1937 to 1953, or of any local Act scheme within the meaning of those Acts, to such existing officers of local authorities and

Status: This is the original version (as it was originally enacted).

of probation committees as are transferred by virtue of this Act or for modifying in respect of such officers, as may be so specified, the provisions of the said Acts or any such scheme.

- (4) The Secretary of State shall make regulations providing for the payment by such authorities or other persons as may be prescribed by, or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of this Act.
- (5) Regulations under the last foregoing subsection may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (6) Different regulations may be made under this section in relation to different classes of persons and different circumstances, and any such regulations may be so framed as to have effect as from a date earlier than the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person (other than the person responsible for the payment of compensation) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date of the making thereof.
- (7) Any regulations made under this section may apply to such officers of approved school managers as the Secretary of State may specify in the regulations.
- (8) In this section—
 - " existing officer " means an officer serving on such date or dates as may be specified in the regulations relating to him;
 - " officer " includes the holder of any place, situation or employment.

86 Adjustments between authority providing accommodation etc., and authority of area of residence

- (1) Any expenditure which apart from this section would fall to be borne by a local authority—
 - (a) in the provision under this Act of accommodation for a person ordinarily resident in the area of another local authority, or
 - (b) in the provision under Part II of this Act of services and facilities for a person ordinarily so resident (including, in the case of a child, any expenses incurred after he has ceased to be a child, and, in the event of his care being taken over by virtue of section 15(4) of this Act including also any travelling or other expenses incurred in connection with the taking over), or
 - (c) for the conveyance of a person ordinarily resident as aforesaid, or
 - (d) in administering a supervision requirement in respect of a person ordinarily resident as aforesaid,

shall be recoverable from the other local authority, and in this subsection any reference to another local authority includes a reference to a local authority in England or Wales.

- (2) Any question arising under this section as to the ordinary residence of a person shall be determined by the Secretary of State, and the Secretary of State may determine that a person has no ordinary residence.
- (3) In determining for the purposes of subsection (1) of this section the ordinary residence of any person or child, any period during which he was a patient in a hospital forming part of the hospital and specialist services provided under Part II of the National Health Service Act 1946 or Part II of the National Health Service (Scotland) Act 1947 or, in the case of a child, any period during which he resided in any place as an inmate of a school or other institution, or in accordance with the requirements of a supervision requirement, supervision order or probation order or the conditions of a recognizance, or while boarded out under this Act or under the Children Act 1948, the Children and Young Persons Act 1933 or the Children and Young Persons (Scotland) Act 1937 by a local authority or education authority shall be disregarded.

87 Charges that may be made for services and accommodation

- (1) Subject to the provisions of section 14 of this Act, and of this section, a local authority may recover from persons availing themselves of any service provided under this Act such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.
- (2) Persons, other than maintainable children, for whom accommodation is provided under this Act, shall be required to pay for that accommodation in accordance with the subsequent provisions of this section.
- (3) Subject to the following provisions of this section, accommodation provided under this Act shall be regarded as accommodation provided under Part III of the National Assistance Act 1948, and sections 22(2) to (9) and 26(2) to (4) (charges for accommodation and provision of accommodation in premises maintained by voluntary organisations) and sections 42 to 44 of the said Act of 1948 (which make provision for the mutual maintenance of wives and husbands and the maintenance of their children by recovery of assistance from persons liable for maintenance and for affiliation orders, etc.) shall apply accordingly.
- (4) In the application of the said section 22, for any reference to the Minister there shall be substituted a reference to the Secretary of State, and in the application of the said section 26, any references to arrangements under a scheme for the provision of accommodation shall be construed as references to arrangements made by a local authority with a voluntary organisation for the provision of accommodation under this Act.
- (5) The Secretary of State may, with the consent of the Treasury, make regulations for modifying or adjusting the rates at which payments under this section are made, where such a course appears to him to be justified, and any such regulations may provide for the waiving of any such payment in whole or in part in such circumstances as may be specified in the regulations.
- (6) A local authority may refer to the Supplementary Benefits Commission for investigation any question arising as to the resources or other circumstances of a person applying for accommodation under this Act or for whom such accommodation is being provided.

88 Duty of parents to notify change of address

- (1) Where—
- (a) a child is received into the care of a local authority under Part II of this Act; or
 - (b) he is subject to a supervision requirement,
- the parents of the child shall keep the local authority responsible for the supervision or care of the child informed of the parents' address.
- (2) The parent of a child to whom the foregoing subsection relates and who knowingly fails to comply with the requirements of that subsection shall be liable on summary conviction to a fine of ten pounds; but in any proceedings under this section it shall be a defence that the accused was at the material time residing at the same address as the other parent and had reasonable cause to believe that the other parent kept the local authority responsible for the supervision or the care of the child informed of the address of both parents.
- (3) A father who is making any payment to a local authority by virtue of any order or decree under Part VI of this Act shall be regarded as a parent for the purposes of this section.

89 Application of Tribunals and Inquiries Act 1958

Part II of Schedule 1 to the Tribunals and Inquiries Act 1958 shall have effect as if—

- (a) any children's hearing constituted and arranged in pursuance of this Act, and
- (b) any appeal tribunal established under Schedule 5 to this Act,

were specified therein.

90 Orders, regulations etc.

- (1) Any power to make regulations or orders (other than orders under sections 52 and 58 and Part V of this Act), or to prescribe any matter, or to make rules conferred on the Secretary of State by this Act shall be exercisable by statutory instrument.
- (2) Any statutory instrument made in the exercise of any power to make regulations conferred by this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make orders shall include a power, exercisable in the like manner and subject to the same conditions, to vary or revoke any such order.

91 Expenses

There shall be defrayed out of moneys provided by Parliament—

- (a) any sums required for the payment of grants under this Act or any other expenses of the Secretary of State under this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

92 Effect of Act on rate support grant

- (1) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a rate support grant order, to vary the provisions of

any rate support grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

- (2) Any order made by virtue of this section may be made for all or any of the years comprised in the said rate support grant period, as may be specified in the order, and in respect of the year or years so specified shall increase the annual aggregate amount of the rate support grants to such extent as may appear to the Secretary of State to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or of large burghs in consequence of the passing of this Act.
- (3) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 4 of the Local Government (Scotland) Act 1966 (which confers power to vary rate support grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).
- (4) In this section the expressions " rate support grant order " and " grant period " have the meanings respectively assigned to them by subsection (1) and subsection (3) of section 3 of the Local Government (Scotland) Act 1966.