



# Social Work (Scotland) Act 1968

## 1968 CHAPTER 49

### PART II

#### PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

##### *General*

#### **[<sup>F1</sup>12B Direct payments in respect of community care services.**

(1) Where, as respects a person in need—

(a) a local authority

[ have decided under section 12A of this Act that his needs call for the <sup>F2</sup>(i)] provision of any service which is a community care service [<sup>F3</sup>; or

(ii) have a duty to provide a service to him under section 22(1) of the Children (Scotland) Act 1995 (c.36) (promotion of welfare of children in need) other than a service which comprises giving assistance in cash;] and

(b) the person is of a description which is specified for the purposes of this subsection by regulations,

the authority may, if the person consents, make to him, in respect of his securing the provision of the service, a payment of such amount as, subject to subsection (2) below, they think fit.

(2) If—

(a) an authority pay under subsection (1) above at a rate below their estimate of the reasonable cost of securing the provision of the service concerned, and

(b) the person to whom the payment is made satisfies the authority that his means are insufficient for it to be reasonably practicable for him to make up the difference,

the authority shall so adjust the payment to him under that subsection as to avoid there being a greater difference than that which appears to them to be reasonably practicable for him to make up.

*Status: Point in time view as at 20/12/2001. This version of this provision has been superseded.*

*Changes to legislation: Social Work (Scotland) Act 1968, Section 12B is up to date with all changes known to be in force on or before 03 June 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)*

- (3) A payment under subsection (1) above shall be subject to the condition that the person to whom it is made shall not secure the provision of the service to which it relates by a person who is of a description specified for the purposes of this subsection by regulations.
- (4) Regulations may provide that the power conferred by subsection (1) above shall not be exercisable in relation to the provision of residential accommodation for any person for a period in excess of such period as may be specified in the regulations.
- (5) If the authority by whom a payment under subsection (1) above is made are not satisfied, in relation to the whole or any part of the payment—
- (a) that it has been used to secure the provision of the service to which it relates, or
  - (b) that the condition imposed by subsection (3) above, or any condition properly imposed by them, has been met in relation to its use,
- they may require the payment or, as the case may be, the part of the payment to be repaid.
- (6) Regulations under this section shall be made by the Secretary of State and may—
- (a) make different provision for different cases; and
  - (b) include such supplementary, incidental, consequential and transitional provisions and savings as the Secretary of State thinks fit.
- [<sup>F4</sup>(7) The definition of “community care service” in section 5A of this Act shall, with the modification mentioned in subsection (8) below, apply for the purposes of this section as that definition applies for the purposes of that section.
- (8) The modification is that the words “, other than services for children,” in the definition shall be disregarded.]

#### **Textual Amendments**

- F1** S. 12B inserted (S.)(1.4.1997) by [1996 c. 30, s. 4](#); [S.I. 1997/756, art. 2](#)
- F2** Words in s. 12B(1)(a) re-numbered (20.12.2001) as s. 12B(1)(a)(i) by virtue of [2001 asp 8, s. 70\(a\)\(i\)](#); [S.S.I. 2001/304, art. 2\(2\)](#)
- F3** S. 12B(1)(a)(ii) and the word "or" immediately preceding it substituted (20.12.2001) for words in s. 12B(1)(a) by [2001 asp 8, s. 70\(a\)\(ii\)](#); [S.S.I. 2001/304, art. 2\(2\)](#)
- F4** S. 12B(7)(8) inserted (20.12.2001) by [2001 asp 8, s. 70\(b\)](#); [S.S.I. 2001/304, art. 2\(2\)](#)

#### **Modifications etc. (not altering text)**

- C1** S. 12B(1) restricted (1.4.1997) by [S.I. 1997/693, reg. 4\(1\)](#)

**Status:**

Point in time view as at 20/12/2001. This version of this provision has been superseded.

**Changes to legislation:**

Social Work (Scotland) Act 1968, Section 12B is up to date with all changes known to be in force on or before 03 June 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.