



# Social Work (Scotland) Act 1968

## 1968 CHAPTER 49

### PART II

#### PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

##### *Special provisions as to the care of children in need*

#### **17 Effect of assumption by local authority of parental rights**

- (1) While a resolution passed by virtue of paragraph (a) of subsection (1) of section 16 of this Act is in force with respect to a child, all rights and powers which the deceased parents would have if they were still living shall, in respect of the child, be vested in the local authority in accordance with the resolution.
- (2) While a resolution passed by virtue of paragraph (b) of the said subsection (1) is in force with respect to a child, all rights and powers of the person on whose account the resolution was passed shall, in respect of the child, be vested in the local authority in accordance with the resolution, and subsection (3) of section 15 of this Act shall not, in respect of the child, apply in relation to the person on whose account the resolution was passed.
- (3) A resolution under section 16 of this Act shall not prevent the local authority from allowing, either for a fixed period or until the local authority otherwise determine, the care of the child to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appears to the authority to be for the benefit of the child.
- (4) Where a resolution under section 16 of this Act is in force in respect of a child and the child has ceased to be in the care of the local authority by whom the resolution was passed, then (without prejudice to the provisions of section 15 of this Act if those provisions apply) the local authority by whom the resolution was passed shall have power to receive the child back into their care in any circumstances in which it appears to them that their intervention under this subsection is necessary in the interests of the welfare of the child.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where a local authority receive a child into their care under the last foregoing subsection, the provisions of this Act, except subsection (4) of section 15 thereof, shall apply as if the child had been received into their care under the said section 15.
- (6) A resolution under the said section 16 shall not relieve any person from any liability to maintain, or contribute to the maintenance of, the child.
- (7) A resolution under the said section 16 shall not authorise a local authority to cause a child to be brought up in any religious persuasion other than that in which he would have been brought up but for the resolution.
- (8) Any person who—
- (a) knowingly assists or induces or persistently attempts to induce a child to whom this section applies to run away, or
  - (b) without lawful authority takes away such a child, or
  - (c) knowingly harbours or conceals such a child who has run away or who has been taken away or prevents him from returning,
- shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (9) Where a local authority have, in accordance with subsection (3) of this section, allowed any person to take over the care of a child with respect to whom a resolution under the said section 16 is in force and have by notice in writing required that person to return the child at a time specified in the notice (which, if that person has been allowed to take over the care of the child for a fixed period, shall not be earlier than the end of that period) any person who harbours or conceals the child after that time or prevents him from returning as required by the notice shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.