



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART VII

MISCELLANEOUS AND GENERAL

General

87 Charges that may be made for services and accommodation.

[^{F1}(1) Subject to sections 78 and 78A of this Act (contributions in respect of maintainable children) and to the following provisions of this section, a local authority providing a service under this Act [^{F2}or section 7 (functions of local authorities) or 8 (provision of after-care services) of the Mental Health (Scotland) Act 1984] may recover such charge (if any) for it as they consider reasonable.

(1A) If a person—

- (a) avails himself of a service provided under this Act [^{F3}or section 7 or 8 of the said Act of 1984]; and
- (b) satisfies the authority providing the service that his means are insufficient for it to be reasonably practicable for him to pay for the service the amount which he would otherwise be obliged to pay for it,

the authority shall not require him to pay more for it than it appears to them that it is practicable for him to pay.]

(2) Persons, other than maintainable children, for whom accommodation is provided under this Act [^{F4}or section 7 of the said Act of 1984], 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 [^{F4}or section 7 of the said Act of 1984] shall be regarded as accommodation provided under Part III of the ^{M1}National Assistance Act 1948, and [^{F5}sections 22(2) to (8)] and 26(2) to (4) [^{F6}as amended by [^{F7}the Schedule to the Housing (Homeless Persons) Act 1977, paragraph 2(1) of Schedule 4 to the Social Security Act 1980,] section 20 of the ^{M2}Health and Social Services and Social Security Adjudications Act

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Social Work (Scotland) Act 1968, Section 87 is up to date with all changes known to be in force on or before 30 July 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)

1983 [^{F8}and paragraph 32 of Schedule 10 to the Social Security Act 1986]] (charges for accommodation and provision of accommodation in premises maintained by voluntary organisations) and sections 42 [^{F9}(as amended by paragraphs of Schedule 1 to the Law Reform (Parent and Child) (Scotland) Act 1986) and 43] 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 [^{F10}or any other person or body] for the provision of accommodation under this Act [^{F11}or section 7 of the said Act of 1984].
- (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) ^{F12}

Textual Amendments

- F1** S. 87(1) substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **s. 18**
- F2** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(13)(a)**
- F3** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(13)(b)**
- F4** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(13)(c)**
- F5** Words substituted by [Social Security Act 1980 \(c. 30, SIF 113:1\)](#), **Sch. 4 para. 5(1)**
- F6** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **s. 20(2)**
- F7** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), ss. 86, 88, **Sch. 10 para. 41(2)(a)**
- F8** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), ss. 86, 88, **Sch. 10 para. 41(2)(b)**
- F9** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), ss. 86, 88, **Sch. 10 para. 41(2)(c)**
- F10** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(13)(d)**
- F11** Words inserted (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 10(13)(c)**
- F12** S. 87(6) repealed by [Social Security Act 1980 \(c. 30, SIF 113:1\)](#), **Sch. 5 Pt. II**

Marginal Citations

- M1** 1948 c. 29.
- M2** 1983 c. 41.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

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