

## SCHEDULES

### SCHEDULE 3

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Social Work (Scotland) Act 1968 (c. 49)*

- 48 In section 2(2) (functions of the social work committee), the following paragraph is inserted after paragraph (g)—  
“(h) the Children Act 1975.”.
- 49 For section 5(2) there is substituted—  
“(2) The Secretary of State may make regulations in relation to—  
(a) the performance of the functions assigned to local authorities by this Act;  
(b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes ;  
(c) the performance of the functions referred to social work committees under section 2(2)(b) to (e) and (h) of this Act;  
(d) the performance of the functions transferred to local authorities by section 1(4)(a) of this Act.”.
- 50 In section 6(1)(b), after sub-paragraph (ii) there is inserted the following sub-paragraph—  
“(iii) a child who has been placed for adoption by an adoption agency (within the meaning of section 1 of the Children Act 1975);”.
- 51 In section 10—  
(a) in subsection (1), for the words from " with his functions " to the end there is substituted " with—  
“(a) his functions ;  
(b) the functions of local authorities,  
  
under this Act or under the enactments specified in paragraph (a) of section 1(4) and paragraphs (b) to (e) and (h) of section 2(2) of this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.”;  
(b) after subsection (3) there is inserted—  
“(3A) In subsection (3) above, " voluntary organisation the sole or primary object of which is to promote social welfare" includes an adoption society approved under Part I of the Children Act 1975.”.
- 52 In section 17—  
(a) in subsection (3), for " section 16 " there is substituted " section 16(1)(a) " and after " local authority" there is inserted " , in whom are vested in

---

*Status: This is the original version (as it was originally enacted).*

---

accordance with the resolution the parental rights and powers in respect of a child, " ;

- (b) the following subsection is inserted after subsection (3)—

“(3A) A resolution under section 16(1)(b) of this Act shall not prevent the voluntary organisation, in whom are vested in accordance with the resolution the parental rights and powers in respect of a child, from allowing, either for a fixed period or until the voluntary organisation 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 voluntary organisation to be for the benefit of the child.”;

- (c) in subsection (4), for " section 16" there is substituted " section 16(1)(a) " ;  
 (d) in subsection (6), for the words " the said section 16 " there is substituted " section 16 of this Act " ;  
 (e) in subsection (7), after the words " local authority " there are inserted the words " or a voluntary organisation " ;  
 (f) in subsection (8)—  
     (i) for the words " to whom this section applies " there is substituted " , in respect of whom a resolution under section 16 of this Act is in effect, " ; and  
     (ii) for the words " fifty pounds" there is substituted " £400 " ;  
 (g) in subsection (9)—  
     (i) for the words " where a local authority have, in accordance with subsection (3) of this section, allowed " there is substituted—

“Where—

- (a) a local authority have, in accordance with subsection (3) of this section ; or  
 (b) a voluntary organisation have, in accordance with subsection (3A) of this section,

allowed”;

- (ii) for the words " fifty pounds " there is substituted " £400 " .

53

In section 18—

- (a) in subsection (2), for " section 16 " there is substituted " section 16(1)(a) " ;  
 (b) in subsection (3)—  
     (i) in paragraph (a), for " paragraph (a)" there is substituted " sub-paragraph (i) " ;  
     (ii) for paragraph (b) there is substituted " (b) in the case of a resolution passed by virtue of circumstances specified in sub-paragraph (ii), (iii), or (iv) of subsection (1) of the said section 16, by the person who, but for the resolution, would have the parental rights and powers in relation to the child, " ;  
     (iii) after the words " otherwise direct, the local authority" there are inserted the words " , and any voluntary organisation having parental rights and powers with respect to the child, " ;  
 (c) in subsection (4), after the words "local authority" there are inserted the words " or voluntary organisation " .

54

In section 32(2)—

---

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

---

- (a) for paragraphs (b) and (c) there is substituted—
    - “(b) he is falling into bad associations or is exposed to moral danger; or
    - (c) lack of parental care is likely to cause him unnecessary suffering or seriously to impair his health or development; or”;
  - (b) in paragraph (d), for the words " Children and Young Persons (Scotland) Act 1937 " there is substituted " Criminal Procedure (Scotland) Act 1975 ";
  - (c) after paragraph (d) there is inserted—
    - “(dd) the child is, or is likely to become, a member of the same household as a person who has committed any of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1975 ; or”.
- 55 In section 35(5)(a) at the end there is inserted " and to such other persons as may be prescribed ; ".
- 56 In section 44(5), after " 20 ", there is inserted " 20A. ".
- 57 In section 49(3) for the words " The sheriff may examine the reporter and " there is substituted—
  - “The reporter, whether or not he is conducting the proceedings before the sheriff, may be examined by the sheriff; and the sheriff may examine”.
- 58 In section 69—
  - (a) in subsection (1), at the end there are added the following words—
    - “; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.
  - (b) for subsection (5) there is substituted—
    - “(5) In this and the next following section any reference—
      - (a) to a child absconding includes a reference to his being unlawfully taken away;
      - (b) to a child absconding from a place or from the control of a person includes a reference to his absconding while being taken to, or awaiting being taken to, that place or that person as the case may be.”.
- 59 In section 70, at the end there are added the following words—
  - “; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.”.
- 60 In section 71, for the words " one hundred pounds " there is substituted " £400 ".