

Cookies on Legislation.gov.uk

The cookies on legislation.gov.uk do two things: they remember any settings you've chosen so you don't have to choose them on every page, and they help us understand how people browse our website, so we can make improvements and fix problems. We need your consent to use some of these cookies.

Yes, these cookies are OK Find out more or set individual cookie preferences No, I want to reject all cookies

legislation.gov.uk

Home | Explore our collections | Research tools | Help and guidance | What's new | About us English | Cymraeg

Title: Year: Number: Type: Advanced Search All UK Legislation (excluding originating from the EU) Search

Social Work (Scotland) Act 1968

UK Public General Acts > 1968 c. 49 > Part II > Supervision and care of... > Section 27

Table of Contents

Content

More Resources ?

Previous: Provision

Next: Provision

Plain View

Print Options

Changes over time for: Section 27

Version Superseded: 28/10/2004

27/06/2003

Point in time

12/1991

01/04/1991

01/04/1996

01/08/1997

27/06/2003

Status:

Point in time view as at 27/06/2003. This version of this provision has been superseded.

Changes to legislation:

Social Work (Scotland) Act 1968, Section 27 is up to date with all changes known to be in force on or before 26 March 2025. 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.

- 27 Supervision and care of persons put on probation or released from prisons etc.
- (1) It shall be a function of every local authority under this Part of this Act to provide a service for the following purposes, that is to say—

(a) making available to any court such social background reports and other reports relating to persons appearing berfore the court which the court may require for the disposal of a case

[F1(aa) making available to any children's hearing such reports relating to persons aged 16 and 17 years in relation to the commission of an offence, as the hearing may require for the disposal of a case;]

[F2(ab) making available to any procurator fiscal or the Lord Advocate such reports as the procurator fiscal or the Lord Advocate may request in relation to

persons who are charged with an offence;]

[F3](ac) the provision of advice, guidance and assistance for persons who are in prison or subject to any other form of detention and who—

- (i) resided in their area immediately prior to such imprisonment or detention; or
- (ii) intend to reside in their area on release from such imprisonment or detention,

and who on release from such imprisonment or detention, it appears to the local authority, will be required to be under supervision under any enactment or by the terms of an order or licence of the Scottish Ministers or of a condition or requirement imposed in pursuance of an enactment;]

(b) the supervision of, and the provision of advice, guidance and assistance for —

- (i) persons in their area who are under supervision by order of a court made in exercise of its criminal jurisdiction by virtue of any enactment, and
- (ii) persons in their area who, following on release from prison or any other form of detention, are required to be under supervision under any enactment or by the terms of an order or licence of the Secretary of State or of a condition or requirement imposed in pursuance of any enactment [F4and].

[F4](iii) without prejudice to sub-paragraphs (i) and (ii) above, persons in the area who are subject to a community service order under [F5section 238 of the Criminal Procedure (Scotland) Act 1995] or a probation order which includes a requirement that the offender shall perform unpaid work][F6; and]

[F6](iv) without prejudice to paragraphs (i) to (iii) above, persons in their area who are subject to supervised attendance orders under [F7section 235 of the said Act of 1995].]. . .

[F8](v) without prejudice to sub-paragraphs (i) to (iv) above, persons in their area who are subject to a supervision and treatment order made under section 57(2)(d) of the Criminal Procedure (Scotland) Act 1995;

F9(vi) persons in their area aged 16 and 17 years who are subject to a supervision requirement imposed in relation to the commission of any offence by that person;

F10(vii) persons in their area who are charged with, but not prosecuted for, any offence and are referred to the local authority by the procurator fiscal or the Lord Advocate; and]

[F11](c) the provision of advice, guidance and assistance for persons in their area who, within 12 months of their release from prison or any other form of detention, request such advice, guidance or assistance.]

[F12](1 A local authority may provide advice, guidance or assistance for any person who—
A)

- (a) would fall to be provided for under paragraph (ac) of subsection (1) above but for the fact that it appears to the local authority that he will not be required to be under any form of supervision on release as mentioned in that paragraph; and
- (b) requests such advice, guidance or assistance.

(1B) Where as respects any person more than one local authority is required by paragraph (ac) of subsection (1) to make such provision as is mentioned in that

paragraph, they may agree between themselves that only one of them shall do so; and where there is such agreement the paragraph shall apply accordingly.】

- (2) For the purposes of the foregoing subsection every local authority shall, after consultation with the sheriffs having jurisdiction in their area, prepare a scheme (hereinafter referred to as a **【F13】**probation, community service and supervised attendance scheme) and submit it by such date, as he may require, to the Secretary of State for his approval.
- (3) A **【F13】**probation, community service and supervised attendance scheme】 shall make provision with regard to the following matters—
- (a) the manner in which any report requested by the court from the local authority is to be prepared and submitted to the court;
 - 【F14】**(aa) the matters to be included in such a report;】
 - (b) arrangements for the attendance of officers of the local authority at the court;
 - (c) arrangements for the co-operation of the local authorities with the courts, and such arrangements may include the appointment of one or more sheriffs having jurisdiction in their areas to **【F15】**a committee or sub-committee of such authorities】;
 - (d) arrangements for the keeping of adequate records and statistics regarding the performance of functions under this section; and
 - (e) such other matters as the local authority considers relevant to the service to be provided.
- (4) The Secretary of State may approve a **【F13】**probation, community service and supervised attendance scheme】 with or without modifications.
- (5) A local authority may apply to the Secretary of State for the revision of a **【F13】**probation, community service and supervised attendance scheme】 and, if the Secretary of State so requires, shall prepare and submit to the Secretary of State for his approval a revised scheme or a modification of an existing scheme.
- (6) Any function required by any enactment to be performed by a probation officer shall, after the coming into operation of this Part of this Act, be performed by an officer of the appropriate local authority.
- (7) Section 11 of and Schedule 3 to the **M1** Criminal Justice (Scotland) Act 1949 (administrative provisions as to probation) shall cease to have effect.

Textual Amendments

- F1** S. 27(1)(aa) inserted after paragraph (a) (1.8.1997) by 1997 c. 48, s. 32(a); S.I. 1997/1712, art. 3, Sch.
- F2** S. 27(1)(ab) inserted after paragraph (a) (1.8.1997) by 1997 c. 48, s. 32(b); S.I. 1997/1712, art. 3, Sch.
- F3** S. 27(1)(ac) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 71(2), 89(2); S.S.I. 2003/288, art. 2, sch.
- F4** Word and s. 27(1)(b)(iii) added by Community Service by Offenders (Scotland) Act 1978 (c. 49, SIF 39:1), Sch. 2 para. 1(a)
- F5** Words in s. 27(1)(b)(iii) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 6(4)(b)
- F6** S. 27(1)(b)(iv) and the word “; and” immediately preceding it inserted (1.4.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 39:1), s. 62(5), Sch. 6 para. 8(a); S.I. 1991/850, art. 3, Sch.
- F7** Words in s. 27(1)(b)(iv) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 6(4)(c)

- F8** S. 27(1)(b)(v) inserted after sub-paragraph (iv) of paragraph (b) (1.8.1997) by [1997 c. 48, s. 32\(c\)](#); S.I. 1997/1712, art. 3, [Sch.](#)
- F9** S. 27(1)(b)(vi) inserted after sub-paragraph (iv) of paragraph (b) (1.8.1997) by [1997 c. 48, s. 32\(d\)](#); S.I. 1997/1712, art. 3, [Sch.](#)
- F10** S. 27(1)(b)(vii) inserted after sub-paragraph (iv) of paragraph (b) (1.8.1997) by [1997 c. 48, s. 32\(e\)](#); S.I. 1997/1712, art. 3, [Sch.](#)
- F11** S. 27(1)(c) and the word “; and” immediately preceding it added (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\), s. 61\(4\)\(a\)](#); S.I. 1991/850, art. 3, [Schedule](#)
- F12** S. 27(1A) (1B) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 71\(3\), 89\(2\)](#); S.S.I. 2003/288, art. 2, [sch.](#)
- F13** Words in s. 27(4) substituted (1.4.1991) by virtue of [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\), s. 62\(5\), Sch. 6 para. 8\(b\)](#); S.I. 1991/850, art. 3, [Schedule](#)
- F14** S. 27(3)(aa) inserted (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 39:1\), s. 61\(4\)\(b\)](#); S.I. 1991/850, art. 3, [Schedule](#)
- F15** Words in s. 27(3)(c) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 76\(9\)](#); S.I. 1996/323, art. 4(1)(b)(c)

Modifications etc. (not altering text)

- C1** The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1949 c. 94.](#)

[◀ Previous: Provision](#)

[Next: Provision ▶](#)

[▲ Back to top](#)

The data on this page is available in the alternative data formats listed:

[HTML5](#) [HTML snippet](#) [PDF](#) [XML](#) [Akoma Ntoso](#) [HTML RDFa](#) [RDF/XML](#)

[New site design](#) [Help](#) [About us](#) [Site map](#) [Accessibility](#) [Contact us](#) [Privacy notice](#) [Cookies](#) [© Crown and database right](#)

Content is available under the Open Government Licence v3.0 except where otherwise stated. This site additionally contains content derived from EUR-Lex, reused under the terms of the Commission Decision 2011/833/EU on the reuse of documents from the EU institutions. For more information see the EUR-Lex public statement on re-use.