Draft Regulations laid before the Scottish Parliament under section 23(3)(a) of the Community Care and Health (Scotland) Act 2002 for approval by resolution of the Scottish Parliament.

D R A F T S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2015 No.

SOCIAL CARE

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2015

Made - - - -

Coming into force - - *1st April 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1(2)(a), 2 and 23(4) of the Community Care and Health (Scotland) Act 2002(**a**) and all other powers enabling them to do so.

In accordance with section 23(3)(a) of that Act(**b**), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2015 and come into force on 1st April 2015.

Amendment of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002

2.—(1) The Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002(**c**) are amended as follows.

(2) In regulation 2 (accommodation provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003)—

(a) in paragraph (a), for "£169" substitute "£171"; and

(b) in paragraph (b), for "£77" substitute "£78".

(**a**) 2002 asp 5. Section 1 was relevantly amended by S.S.I. 2011/211. Schedule 1 was amended by S.S.I. 2009/137. Section 2 was amended by section 28(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) and section 65(2) of the Adult Support and Protection (Scotland) Act 2007 (asp 10).

(**b**) Section 23(3)(a) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(**c**) S.S.I. 2002/303 as most recently amended by S.S.I. 2014/91.

Revocation

3. The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2014(**a**) are revoked.

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

(**a**) S.S.I. 2014/91.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Community Care and Health (Scotland) Act 2002 ("the 2002 Act") which, together with the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 ("the principal Regulations"), provides that local authorities are not to charge for certain types of social care provided or secured by them. Regulation 2 of the principal Regulations modifies, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

These Regulations amend regulation 2 of the principal Regulations to increase the thresholds below which certain care is not to be charged for (regulation 2).

In respect of personal care, personal support and care of a kind mentioned in schedule 1 to the 2002 Act, the first £171 is not to be charged for (up from £169). Regulation 3 of the principal Regulations provides that the requirement not to charge for these types of care is only in respect of persons aged 65 or over.

In respect of nursing care, the first £78 is not to be charged for (up from £77).

No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations on the basis that there is no foreseeable impact on business, charities or voluntary bodies.

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