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.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

SOCIAL CARE

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026

Made - - - -	*2026*
Coming into force - -	*1st April 2026*

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 2026 and come into force on 1 April 2026.

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 in accordance with paragraph (2).

(2) In regulation 2—

(a) in paragraph (a), for "£254.60" substitute "£260.30",

(b) in paragraph (b), for "£114.55" substitute "£117.10".

(**a**) 2002 asp 5. Section 1 was relevantly amended by S.S.I. 2011/211 and schedule 1 was amended by S.S.I. 2009/137. Section 2 was amended by section 28(2)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) and by 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 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(**c**) S.S.I. 2002/303; relevant amending instruments are S.S.I. 2005/445 and S.S.I. 2025/105.

Revocation

3. The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025(**a**) are revoked.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

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 and 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.

In respect of personal care, personal support and care of a kind mentioned in schedule 1 of the 2002 Act, the first £260.30 is not to be charged for (up from £254.60). For these purposes, "personal care" and "personal support" have the same meaning as in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010.

In respect of nursing care, the first £117.10 is not to be charged for (up from £114.55).

Regulation 3 revokes the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025.

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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(**a**) S.S.I. 2025/105.

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