SCOTTISH STATUTORY INSTRUMENTS

2015 No. 319

SOCIAL CARE

The Self-directed Support (Direct Payments) (Scotland) Amendment Regulations 2015

Made - - - -	*2nd September 2015*
Laid before the Scottish Parliament	*3rd September 2015*
Coming into force - -	*2nd October 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 15 and 22(1) of the Social Care (Self-directed Support) (Scotland) Act 2013(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Self-directed Support (Direct Payments) (Scotland) Amendment Regulations 2015 and come into force on 2nd October 2015.

Amendment to the Self-directed Support (Direct Payments) (Scotland) Regulations 2014

2. After regulation 11 of the Self-directed Support (Direct Payments) (Scotland) Regulations 2014(**b**) insert—

"PART 6

Circumstances in which certain local authorities can make direct payments for residential accommodation etc.

12.—(1) This regulation applies where East Renfrewshire Council or Moray Council decides under section 12A(1)(b) of the 1968 Act(**c**) that the needs of a person call for the provision of the community care services described in paragraph (2).

(2) The community care services are—

(a) residential accommodation; or

(b) residential accommodation with nursing (under section 13A (residential accommodation with nursing) of the 1968 Act(**d**)),

for a period in excess of 4 consecutive weeks in any period of 12 months.

(**a**) 2013 asp 1.
(**b**) S.S.I. 2014/25, to which there are amendments not relevant to these Regulations.
(**c**) 1968 c.49; section 12A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 55 and relevantly amended by the Community Care and Health (Scotland) Act 2002 (asp 5), section 8.
(**d**) Section 13A was inserted by the National Health Service and Community Care Act 1990, section 56.

(3) Despite regulation 10, a person to whom this regulation applies is not within the description of persons specified for the purposes of section 15(2)(a) of the Act (persons who are ineligible to receive direct payments).

(4) A local authority is not required under section 5 of the Act to give a person the opportunity to choose Option 1 and, so far as relating to that option, Option 4 in the circumstances specified in paragraph (1).".

JAMIE HEPBURN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
2nd September 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Self-directed Support (Direct Payments) (Scotland) Regulations 2014 ("the principal Regulations"), which make further provision about direct payments under the Social Care (Self-directed Support) (Scotland) Act 2013.

They insert a new Part 6 into the principal Regulations in order to enable East Renfrewshire Council and Moray Council to make direct payments to persons for residential accommodation for a period of more than four consecutive weeks in any period of 12 months.

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