



# Community Care and Health (Scotland) Act 2002

2002 asp 5

## PART 1

### COMMUNITY CARE

#### *Accommodation*

#### **4 Accommodation more expensive than usually provided**

- (1) The Scottish Ministers may by regulations make provision, in relation to accommodation provided under the 1968 Act or under section 7 of the 1984 Act (functions of local authorities), for and in connection with the making of additional payments—
  - (a) by persons for whom the accommodation is provided (in this section referred to as “residents”); or
  - (b) by other persons, including those liable to maintain residents by virtue of section 42 of the 1948 Act (liability to maintain wife or husband and children).
- (2) In subsection (1) above “additional payments”, in relation to a resident, means payments which—
  - (a) are made for the purpose of meeting all or part of the difference between the actual cost of the accommodation and the amount that the local authority providing it would usually expect to pay in order to provide accommodation suitable for a person with the assessed needs of the resident; and
  - (b) if they are made by the resident, are made out of such of that person’s resources as are specified in, or determined in accordance with, the regulations in question.
- (3) Such regulations are, for the purposes of subsection (2) above, to define the expression “resources”.