



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 3

#### PROVISION OF SUPPORT TO CARERS

#### CHAPTER 1

#### ELIGIBILITY CRITERIA

##### *Local eligibility criteria*

#### **21 Duty to set local eligibility criteria**

- (1) Each local authority must set the local eligibility criteria which it is to apply in its area.
- (2) Local eligibility criteria are the criteria by which the local authority must determine whether it is required to provide support to carers to meet carers' identified needs.
- (3) Before setting its local eligibility criteria, a local authority must—
  - (a) consult such persons and bodies representative of carers as the local authority considers appropriate, and
  - (b) take such steps as it considers appropriate to involve carers.
- (4) A local authority must, when setting its local eligibility criteria, have regard among other things to such matters as the Scottish Ministers may by regulations specify.

#### **Annotations:**

#### **Commencement Information**

**II** [S. 21](#) in force at 1.10.2017 by [S.S.I. 2017/152](#), reg. 3, [sch.](#)

#### **22 Publication and review of criteria**

- (1) Each local authority must publish its local eligibility criteria.

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*Changes to legislation: There are currently no known outstanding effects for the Carers (Scotland) Act 2016, Cross Heading: Local eligibility criteria. (See end of Document for details)*

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- (2) The first local eligibility criteria must be published before the end of the period of 6 months beginning with the day prescribed by the Scottish Ministers by regulations.
- (3) Each local authority must carry out a first review of its local eligibility criteria before the end of the period, prescribed by the Scottish Ministers by regulations, beginning with the day on which the criteria are published.
- (4) Each local authority—
  - (a) must thereafter review its local eligibility criteria before the end of the relevant period,
  - (b) may from time to time carry out such a review.
- (5) The relevant period is the period of 3 years beginning with whichever is the later of the day on which the local authority last published—
  - (a) its local eligibility criteria, or
  - (b) a statement under subsection (6)(b).
- (6) Following a review under subsection (3) or (4), the local authority—
  - (a) may set revised local eligibility criteria,
  - (b) must, where it does not set revised criteria, publish a statement to that effect.
- (7) Subsection (1) and section 21(4) apply to revised local eligibility criteria set under this section as they apply to criteria set under section 21.

**Annotations:**

**Modifications etc. (not altering text)**

- C1** S. 22(2): 1.10.2017 prescribed by S.S.I. 2017/207, reg. 2  
**C2** S. 22(3): period of 3 years prescribed by S.S.I. 2017/207, reg. 3

**Commencement Information**

- I2** S. 22(1) in force at 1.10.2017 by [S.S.I. 2017/152, reg. 3, sch.](#)  
**I3** S. 22(2)(3) in force at 31.5.2017 for specified purposes by [S.S.I. 2017/152, reg. 2, sch.](#)  
**I4** S. 22(2) in force at 1.10.2017 in so far as not already in force by [S.S.I. 2017/152, reg. 3, sch.](#)  
**I5** S. 22(3) in force at 1.4.2018 in so far as not already in force by [S.S.I. 2017/152, reg. 4](#)  
**I6** S. 22(4)-(7) in force at 1.4.2018 by [S.S.I. 2017/152, reg. 4](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Carers (Scotland) Act 2016, Cross  
Heading: Local eligibility criteria.