



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 1

#### KEY DEFINITIONS

*“Carer”, “young carer” and “adult carer”*

#### **1 Meaning of “carer”**

- (1) In this Act “carer” means an individual who provides or intends to provide care for another individual (the “cared-for person”).
- (2) But subsection (1) does not apply—
  - (a) in the case of a cared-for person under 18 years old, to the extent that the care is or would be provided by virtue of the person’s age, or
  - (b) in any case, to the extent that the care is or would be provided—
    - (i) under or by virtue of a contract, or
    - (ii) as voluntary work.
- (3) The Scottish Ministers may by regulations—
  - (a) provide that “contract” in subsection (2)(b)(i) does or, as the case may be, does not include agreements of a kind specified in the regulations,
  - (b) permit a relevant authority to disregard subsection (2)(b) where the authority considers that the relationship between the carer and the cared-for person is such that it would be appropriate to do so.
- (4) In this Part “relevant authority” means a responsible local authority or a responsible authority (see section 41(1)).

#### **2 Meaning of “young carer”**

In this Act “young carer” means a carer who—

- (a) is under 18 years old, or
- (b) has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.

---

*Status: This is the original version (as it was originally enacted).*

---

### **3 Meaning of “adult carer”**

In this Act “adult carer” means a carer who is at least 18 years old but is not a young carer.

*“Personal outcomes” etc.*

### **4 Meaning of “personal outcomes”**

- (1) In this Act “personal outcomes”, in relation to carers, includes outcomes which would, if achieved, enable carers to provide or continue to provide care for cared-for persons.
- (2) The Scottish Ministers may by regulations make further provision about personal outcomes, including provision about—
  - (a) which outcomes may be personal outcomes,
  - (b) the matters to which a relevant authority is to have regard in considering which outcomes may be personal outcomes.

### **5 Meaning of “identified personal outcomes” and “identified needs”**

- (1) In this Act “identified personal outcomes”, in relation to a carer, means the personal outcomes which are identified as relevant to the carer.
- (2) In this Act “identified needs”, in relation to a carer, means the needs for support (if any) which are identified in order to meet the carer’s identified personal outcomes.
- (3) In this section “identified” means identified by virtue of section 8 or 14.