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.

22 Publication and review of criteria

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

(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.

National eligibility criteria

23 National eligibility criteria

(1) The Scottish Ministers may make regulations setting out national eligibility criteria.

(2) National eligibility criteria are the criteria by which each local authority must assess whether it is required to provide support to carers to meet carers' identified needs.

(3) Where regulations under this section are made and have not been revoked—

(a) the national eligibility criteria set out in them apply in place of any local eligibility criteria published under section 22,

(b) sections 21 and 22 do not apply, and

(c) references in sections 9(1)(i) and (j), 15(1)(j) and (k) and 24(3) to local eligibility criteria are to be read as references to national eligibility criteria.

(4) Regulations under this section may modify any enactment (including this Act).