

Draft Regulations laid before the Scottish Parliament under section 23(3)(a) of the Community Care and Health (Scotland) Act 2002 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

SOCIAL CARE

**The Community Care (Personal Care and Nursing
Care) (Scotland) Amendment (No. 2) Regulations 2018**

Made - - - - 2018
Coming into force - - 1st April 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(2)(a) of the Community Care and Health (Scotland) Act 2002⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 23(3)(a) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 and come into force on 1st April 2019.

Amendment of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002

2.—(1) The Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002⁽³⁾ are amended as follows.

(2) Regulation 3 (qualification of requirement not to charge)⁽⁴⁾ is revoked.

(1) [2002 asp 5](#).
(2) Section 23(3)(a) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).
(3) [S.S.I. 2002/303](#).
(4) Regulation 3 was amended by [S.S.I. 2005/445](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 No. 200

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Community Care and Health (Scotland) Act 2002 which, together with the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 (“the principal Regulations”), provide that local authorities are not to charge for certain types of social care provided or secured by them.

Regulation 2 revokes regulation 3 of the principal Regulations. This removes the qualification that the requirement not to charge applies only in relation to persons aged 65 or over.

A Business and Regulatory Impact Assessment has been prepared and can be obtained from the Scottish Government Health and Social Care Directorate, St Andrews House, Edinburgh EH1 3DG.