

Draft Regulations laid before the Scottish Parliament under section 69(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

**PUBLIC HEALTH
SOCIAL CARE**

The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017

Made - - - - 2017

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 1(7) and (12) of the Public Bodies (Joint Working) (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 69(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017.

(2) Subject to paragraph (3), these regulations come into force on 1st April 2018.

(3) This regulation and regulation 3(2)(c) come into force as soon as they are made.

Amendment of the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014

2. In Part 1 of the schedule (functions of local authorities which may be delegated) of the Public Bodies (Joint Working) (Scotland) Act 2014, in the entry for the Social Care (Self-directed Support) (Scotland) Act 2013⁽²⁾, omit “3”.

(1) 2014 asp 9.

(2) 2013 asp 1. Section 3 (support for adult carers) will be repealed by paragraph 5(3) of the schedule of the Carers (Scotland) Act 2016 Act on 1st April 2018.

Amendment of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014

3.—(1) The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014⁽³⁾ are amended in accordance with this regulation.

(2) In Part 1 of the schedule (functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014)—

- (a) in the entry for the Social Work (Scotland) Act 1968, omit the references in Column A to section 12AA and 12AB;
- (b) in the entry for the Social Care (Self-directed Support) (Scotland) Act 2013, omit—
 - (i) the reference in Column A to section 3; and
 - (ii) the corresponding entry in Column B; and
- (c) in the entry for the Carers (Scotland) Act 2016⁽⁴⁾ in Column A, insert—

“Section 6

(duty to prepare adult carer support plan)

Section 24

(duty to provide support)

Section 25

(provision of support to carers: breaks from caring)

Section 31

(duty to prepare local carer strategy)

Section 34

(information and advice service for carers)

Section 35

(short breaks services statements)”

St Andrew’s House,

Edinburgh

Date

Name

A member of the Scottish Government

⁽³⁾ [S.S.I. 2014/345](#) as amended by [S.S.I. 2017/190](#).

⁽⁴⁾ Sections 6, 24, 25, 31, 34 and 35 of the 2016 Act were inserted into the schedule of the Public Bodies (Joint Working) (Scotland) Act [2014 \(asp 9\)](#) by paragraph 6(2)(c) of the schedule of the Carers (Scotland) Act [2016 \(asp 9\)](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”) and the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014 (“the 2014 Regulations”) in consequence of provisions within the Carers (Scotland) Act 2016 (“the 2016 Act”) which repeal sections 12AA and 12AB of the Social Work (Scotland) Act 1968 (“the 1968 Act”) and section 3 of the Self-directed Support (Scotland) Act 2013 (“2013 Act”).

Regulation 2 makes a corresponding amendment to the schedule of the 2014 Act to remove section 3 from the entry for the 2013 Act from the list of enactments in that schedule specifying the functions which a local authority may delegate under an integration scheme. (The reference to sections 12AA and 12AB in the entry for the 1968 Act in the schedule to the 2014 Act was repealed by paragraph 6(2)(a) of the schedule of the 2016 Act.)

Regulation 3 amends the 2014 Regulations to also remove those entries repealed by the 2016 Act from Part 1 of the schedule to the regulations and to add certain sections of the 2016 Act to that Part. Part 1 of the schedule prescribes functions for the purpose of section 1(7) of the 2014 Act. The effect of this prescription is that these functions, so far as they are exercisable in relation to persons who are aged 18 or over, must be delegated to the bodies responsible for providing integrated health and social care services in local authority areas. These bodies are generally integration joint boards.