

Draft Order laid before the Scottish Parliament under section 26A(11)(b) of the Children (Scotland) Act 1995 for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

CHILDREN AND YOUNG PERSONS

The Continuing Care (Scotland) Amendment Order 2018

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

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26A(2)(b) of the Children (Scotland) Act 1995⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 26A(12) of that Act, the Scottish Ministers have consulted with each local authority and such other persons as they consider appropriate.

In accordance with section 26A(11)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Continuing Care (Scotland) Amendment Order 2018 and comes into force on 1st April 2018.

Amendment of the Continuing Care (Scotland) Order 2015

- 2.—(1) The Continuing Care (Scotland) Order 2015⁽²⁾ is amended as follows.
(2) In article 2 (eligible person: specified age)⁽³⁾, for “nineteen” substitute “twenty”.

Revocation of the Continuing Care (Scotland) Amendment Order 2017

3. The Continuing Care (Scotland) Amendment Order 2017⁽⁴⁾ is revoked.

(1) [1995 c.36](#). Section 26A was inserted by section 67(1) of the Children and Young People (Scotland) Act 2014 ([asp 8](#)). Section 26A(13) contains a definition of “specified” for the purposes of section 26A.
(2) [S.S.I. 2015/158](#).
(3) Article 2 was amended by [S.S.I. 2016/92](#) and [SSI 2017/62](#).
(4) [S.S.I. 2017/62](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a
Scottish Statutory Instrument: *The Continuing Care (Scotland) Amendment Order 2018 No. 96*

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This order amends article 2 of the Continuing Care (Scotland) Order 2015 ([S.S.I. 2015/158](#)) with the effect that the higher age limit for “eligible persons” specified for the purposes of section 26A(2)(b) of the Children (Scotland) Act 1995 (“1995 Act”) is twenty years of age (increased from nineteen). This means that an “eligible person” for the purposes of the duty on local authorities to provide continuing care under section 26A of the 1995 Act is a person who is at least sixteen years of age and who has not yet reached the age of twenty.