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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 303**

**The Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002**

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

**(2)** In these Regulations—

“the 1968 Act” means the Social Work (Scotland) Act 1968<sup>(1)</sup>;

“the 1984 Act” means the Mental Health (Scotland) Act 1984<sup>(2)</sup>;

“the Act” means the Community Care and Health (Scotland) Act 2002.

**Accommodation provided under the 1968 Act or section 7 of the 1984 Act**

**2.** For the purpose of section 2 of the Act, accommodation provided to or provision of which is secured for an individual by a local authority under the 1968 Act or section 7 of the 1984 Act does not include—

(a) the first £145 per week of care of a kind mentioned in paragraphs (a), (b) and (c) of section 1(1) of the Act, and

(b) the first £65 per week of care of a kind mentioned in paragraph (d) of section 1(1) of the Act.

**Qualification of requirement not to charge**

**3.** The requirement in section 1(1) of the Act, not to charge for social care of a kind mentioned in paragraphs (a), (b) and (c) of that section shall apply only where the person, for whom the local authority has a duty or power in terms of the 1968 Act or section 7 or 8 of the 1984 Act, is a person aged 65 or over.

St Andrew’s House,  
Edinburgh  
20th June 2002

*FRANCIS McAVEETY*  
Authorised to sign by the Scottish Ministers

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(1) 1968 c. 49.  
(2) 1984 c. 36.