
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1(1) of the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”) provides that local authorities are not to charge for certain types of social care provided or secured by them. Regulation 2 of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 (“the principal Regulations”) qualifies that by modifying, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 (c. 49) or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

These Regulations amend regulation 2 of the principal Regulations to increase the thresholds below which certain care is not to be charged for (regulation 2).

In respect of personal care, personal support and care of a kind mentioned in schedule 1 to the 2002 Act, the first £153 is not to be charged for (up from £149). Regulation 3 of the principal Regulations provides that the requirement not to charge for these types of care is only in respect of persons aged 65 or over.

In respect of nursing care, the first £69 is not to be charged for (up from £67).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.