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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 65**

**The Community Care (Joint Working etc.)  
(Scotland) Amendment Regulations 2012**

**Citation and commencement**

1. These Regulations may be cited as the Community Care (Joint Working etc.) (Scotland) Amendment Regulations 2012 and come into force on 30th March 2012.

**Amendment of the Community Care (Joint Working etc.) (Scotland) Regulations 2002**

2. The Community Care (Joint Working etc.) (Scotland) Regulations 2002(1) are amended as follows—

- (a) in regulation 1(2) after the definition of “the Act” insert—

““delegated” means delegated by virtue of an arrangement entered into under section 15(1) of the Act and “delegation” is to be construed accordingly (with the exception of the reference in Schedule 2, paragraph 2);”
- (b) omit regulation 2(2)(b)(iii) and (iv);
- (c) omit regulation 3(3)(b)(iii) and (iv);
- (d) in regulation 4 for “Schedule 3” substitute “Schedule 5”;
- (e) in regulation 5(1) for “Schedule 2” substitute “Schedule 6”;
- (f) after regulation 9 insert—

**“Treatment of a payment under section 15(1)(b)**

**9A.**—(1) Subsection (2) applies where a payment is made by virtue of an arrangement entered into under section 15(1)(b) of the Act and no fund is established under section 15(1)(c).

(2) A payment made by one party (“X”) to another party (“Y”) in respect of the exercise of a delegated function is to be treated as expenditure by X on that function and income in relation to that function by Y.”

- (g) in regulation 10—
  - (i) for paragraph (3)(c) substitute—

“(c) preparing such information as is reasonably required by each contributor to enable that contributor to monitor the effectiveness of the agreement and to account for that contributor’s share of the transactions, assets and liabilities in the fund.”; and
  - (ii) omit paragraphs (4) and (5);
- (h) in regulation 11—
  - (i) in paragraph (i) after “agreement” insert “, including risk management.”;

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (ii) omit “and” immediately after paragraph (i); and
- (iii) after paragraph (j) insert—
  - “(k) the systems for financial management for payments made under the arrangement, including the frequency of the payments and the content and frequency of reporting on those payments; and
  - (l) a dedicated lead officer from each party who is responsible for ensuring the agreed aims and outcomes of the arrangement are delivered.”;
- (i) in the title to Schedule 2 omit “, JOINT WORKING UNDER SECTION 15”;
- (j) in the title to Schedule 3 omit “JOINT WORKING UNDER SECTION 15 AND”; and
- (k) after Schedule 4 insert Schedules 5 and 6 as set out in the Schedule to these Regulations.

St Andrew’s House,  
Edinburgh  
28th February 2012

*NICOLA STURGEON*  
A member of the Scottish Executive