

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2014 No. 65**

**The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014**

**Citation and commencement**

1. These Regulations may be cited as the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 and come into force on 1st April 2014.

**Waiving of charges in connection with support to carers**

2. A local authority must waive any payment which it would otherwise be entitled to charge under section 87(1) of the Social Work (Scotland) Act 1968 in the circumstances specified in regulation 3.

3. The circumstances are that the services are provided under—

- (a) section 3(4) of the Social Care (Self-directed Support) (Scotland) Act 2013 (support for adult carers); or
- (b) section 22 of the Children (Scotland) Act 1995<sup>(1)</sup> (promotion of welfare of children in need) where the child is in need because of the care which the child provides, or intends to provide, to another person.

**Local authority not to require contribution in respect of direct payments enabling the provision of support to carers**

4.—(1) The Self-directed Support (Direct Payments) (Scotland) Regulations 2014<sup>(2)</sup> are amended as follows.

(2) After regulation 3(4) insert—

“(5) This regulation is subject to regulation 3A.”.

(3) After regulation 3 insert—

**“Means testing for direct payments: carers**

**3A.—**(1) A local authority may not—

- (a) assess a direct payment user’s ability to contribute to the cost of securing the support to which a direct payment relates under regulation 3(1); or
- (b) require a direct payment user to contribute to a direct payment under regulation 3(3) or (4)

in the circumstances specified in paragraph (2).

(2) The circumstances are that the support to which the direct payment relates is—

- (a) support under section 3(4) of the Act; or

---

(1) 1995 c.36. Section 22 is amended by the Tax Credits Act 1999 (c.10), Schedule 1, paragraph 6(j), the Tax Credits Act 2002 (c.21), Schedule 3, paragraph 50, the Welfare Reform Act 2007 (c.5), Schedule 3, paragraph 14 and S.S.I. 2013/137.

(2) S.S.I. 2014/25.

---

**Status:** This is the original version (as it was originally made).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

---

- (b) services under section 22 of the Children (Scotland) Act 1995 (promotion of welfare of children in need) where the direct payment user is a child who is in need because of the care which the child provides, or intends to provide, to another person.”.

St Andrew’s House,  
Edinburgh  
27th February 2014

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers