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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”) and come into force on 24th June 2015. Together with section 5 of the 2002 Act they make provision in respect of the way in which residential accommodation and residential accommodation with nursing, is provided outwith Scotland (that is to say England, Wales or Northern Ireland), to persons by a local authority in fulfilment of their duties under sections 12 or 13A of the Social Work (Scotland) Act 1968 (“the 1968 Act”) or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”).

Regulation 2 defines the “appropriate establishment” into which a person’s residential accommodation placement outwith Scotland can be made.

Regulation 3 provides that where it appears to a local authority that a person for whom they are arranging residential accommodation under section 5 of the 2002 Act may also be in need of health services administered by the health authority of the area in which they are ordinarily resident or of the area in which the residential accommodation is located, then regulation 4 applies.

Regulation 4 imposes a duty on the local authority to notify the health authority of a person’s need for health services and to request information from the health authority about what health services are likely to be made available to the person by that health authority, and to take any information provided in response to that request into account in making the accommodation arrangements.