

2017 No. 152 (C. 12)

SOCIAL CARE

The Carers (Scotland) Act 2016 (Commencement No. 2 and Savings Provision) Regulations 2017

<i>Made</i> - - - -	<i>11th May 2017</i>
<i>Laid before the Scottish Parliament</i>	<i>15th May 2017</i>
<i>Coming into force</i> - -	<i>31st May 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 45(2), (3) and (4) of the Carers (Scotland) Act 2016(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carers (Scotland) Act 2016 (Commencement No. 2 and Savings Provision) Regulations 2017 and come into force on 31st May 2017.

(2) In these Regulations, “the Act” means the Carers (Scotland) Act 2016.

Appointed days

2.—(1) 31st May 2017 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of table 1 in the schedule (the subject matter of which is described in column 2 of table 1 in the schedule).

(2) Where a purpose is specified in column 3 of table 1 in the schedule in relation to any provision specified in column 1 of table 1 in the schedule, that provision comes into force on 31st May 2017 for that purpose.

3.—(1) 1st October 2017 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of table 2 in the schedule (the subject matter of which is described in column 2 of table 2 in the schedule).

(2) Where a purpose is specified in column 3 of table 2 in the schedule in relation to any provision specified in column 1 of table 2 in the schedule, that provision comes into force on 1st October 2017 for that purpose.

4. 1st April 2018 is the day appointed for the coming into force of the Act so far as not then in force.

Savings provision

5. Where a person is in receipt of support under section 3(4) of the Social Care (Self-directed Support) (Scotland) Act 2013(b), sections 87(1) and (1A) of the Social Work (Scotland) Act

(a) 2016 asp 9.

(b) 2013 asp 1 (“the 2013 Act”).

1968(a) are to be read as if the reference to section 3(4) of the Social Care (Self-directed Support) (Scotland) Act 2013 in each of those sub-sections has not been substituted for the reference to section 24(4) of the Act.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th May 2017

(a) 1968 c.49. Sections 87(1) and (1A) were both amended by section 28(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) and section 18 of the 2013 Act.

SCHEDULE

Regulations 2 and 3

Table 1:
Provisions of the Act coming into force on 31st May 2017

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 1(3)(a)	Meaning of “carer”	Only for the purpose of enabling regulations to be made
Section 10	Review of adult carer support plans	
Section 16	Review of young carer statements	
Section 22(2) and (3)	Publication and review of criteria	Only for the purpose of enabling regulations to be made
Section 25(2)(a)	Provision of support to carers: breaks from caring	Only for the purpose of enabling regulations to be made
Section 26	Charging for support provided to carers	
Section 35(4)	Short breaks services	Only for the purpose of enabling regulations to be made

Table 2:
Provisions of the Act coming into force on 1st October 2017

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 1	Meaning of “carer”	So far as then not in force
Section 2	Meaning of “young carer”	
Section 3	Meaning of “adult carer”	
Section 4	Meaning of “personal outcomes”	
Section 5	Meaning of “identified personal outcomes” and “identified needs”	
Section 21	Duty to set local eligibility criteria	
Section 22(1)	Publication and review of criteria	
Section 22(2)	Publication and review of criteria	So far as then not in force
Section 37	Guidance and directions to local authorities	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Carers (Scotland) Act 2016 (“the Act”).

Regulation 2 appoints 31st May 2017 as the day for the coming into force of the following provisions of the Act: sections 1(3)(a); 22(2) and (3); 25(2)(a) and 35(4) for the limited purpose of enabling regulations to be made and also sections 10,16 and 26.

Regulation 3 appoints 1st October 2017 as the day for the coming into force of the following provisions of the Act: section 1 so far as not already in force, and sections 2; 3; 4; 5; 21; 22(1); 22(2) so far as not already force, and 37.

To the extent that it is not already in force, Regulation 4 appoints 1st April 2018 as the day for the coming into force of the Act for all purposes.

Regulation 5 makes a savings provision in relation to persons who are in receipt of support under section 3(4) of the Social Care (Self-directed Support) (Scotland) Act 2013 (“the 2013 Act”) before 1st April 2018. Regulation 5 requires section 87(1) and (1A) to be read as if the reference to section 3(4) of the 2013 Act in each of those subsections has not been substituted for the reference to section 24(4) of the Act. This is to ensure that support which is provided before 1st April 2018 to carers under section 3(4) of the 2013 Act continues to be chargeable.

The Bill for the Act received Royal Assent on 9th March 2016. Sections 41, 42, 43, 45 and 46 came into force on the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The provisions of the Act commenced by earlier commencement regulations are detailed in the table below.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 44 (for limited purposes)	24th April 2017	2017/94
Paragraph 6(1) and (2)(c) of the schedule	24th April 2017	2017/94

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