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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 33**

**SOCIAL CARE**

**The Carers (Scotland) Act 2016 (Review of Adult Carer Support Plan and Young Carer Statement) Regulations 2018**

*Made* - - - - 31st January 2018  
*Laid before the Scottish Parliament* - - - - 2nd February 2018  
*Coming into force* - - 1st April 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 16 of the Carers (Scotland) Act 2016<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Carers (Scotland) Act 2016 (Review of Adult Carer Support Plan and Young Carer Statement) Regulations 2018 and come into force on 1st April 2018.

(2) In these Regulations “the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(2)</sup>.

**Circumstances in which adult carer support plans are to be reviewed**

2. The circumstances in which an adult carer support plan is to be reviewed are—
- (a) the adult carer becomes resident in a different local authority area;
  - (b) the cared-for person becomes resident in accommodation provided under—
    - (i) Part 2 of the 1968 Act<sup>(3)</sup>;
    - (ii) section 25 of the 2003 Act; or
    - (iii) Part 2 of the 1995 Act<sup>(4)</sup>; or
  - (c) any other change in the adult carer or cared-for person’s circumstances which, in the view of the responsible local authority, has had a material impact on the care provided by the adult carer to the cared-for person.

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(1) 2016 asp 9.  
(2) 2003 asp 13.  
(3) The Social Work (Scotland) Act 1968 (c.49).  
(4) The Children (Scotland) Act 1995 (c.36).

### **Circumstances in which young carer statements are to be reviewed**

3. The circumstances in which a young carer statement is to be reviewed are—
- (a) the cared-for person becomes resident in a different local authority area;
  - (b) the cared-for person becomes resident in accommodation provided under—
    - (i) Part 2 of the 1968 Act;
    - (ii) section 25 of the 2003 Act; or
    - (iii) Part 2 of the 1995 Act; or
  - (c) any other change in the young carer or cared-for person’s circumstances which, in the view of the responsible authority, has had a material impact on the care provided by the young carer to the cared-for person.

### **Meaning of material impact**

4. For the purpose of regulations 2(c) and 3(c) a material impact on the care provided by a carer may include a change to the services provided to a cared-for person in consequence of an assessment under section 12A of the 1968 Act<sup>(5)</sup> or section 23(3) of the 1995 Act<sup>(6)</sup>.

St Andrew’s House,  
Edinburgh  
31st January 2018

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

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(5) Section 12A was inserted by section 55 of the National Health Service and Community Care Act 1990 (c.19). Section 12A has been amended by section 2(3) of the Carers (Recognition of Services) Act 1995 (c.12), sections 8 and 9 of the Community Care and Health (Scotland) Act 2002 (asp 5) and S.S.I. 2015/157.

(6) Section 23(3) was amended by section 227(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003.

## **EXPLANATORY NOTE**

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

These Regulations are made under the Carers (Scotland) Act 2016 and come into force on 1st April 2018.

Regulation 2 provides for the circumstances in which an adult carer support plan are to be reviewed.

Regulation 3 provides for the circumstances in which a young carer statement are to be reviewed.

Regulation 4 provides that any change to the services provided to a cared for person in consequence of an assessment under section 12A of the Social Work (Scotland) Act 1968 (community care assessment) or section 23(3) of the Children (Scotland) Act 1995 (assessment of needs of a disabled child) may have a material impact on the care provided by the carer such as to trigger a review of an adult carer support plan or young carer statement.