

CARE ACT 2014

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Territorial extent and application: Scotland

50. Social care is a devolved matter for Scotland so Part 1 in general applies to local authorities in England only. However, the provisions in relation to cross-border placements (section 39(8) and Schedule 1), certain provisions on provider failure and the Human Rights Act 1998 provision (section 73) extend to Scotland.
51. In Part 3, while neither Health Education England nor the Health Research Authority will take on any devolved functions, there are some implications for the devolved administrations in relation to the establishment of these bodies as non-departmental public bodies.
52. Health Education England (HEE) will have a power to exercise any of its education and training functions on behalf of Scotland, but only when it is asked to do so: paragraph 17 of Schedule 5.
53. The provisions on Health Research Authority (HRA) extend to the whole of the United Kingdom. The Act places the HRA and each of the devolved administrations under a duty to co-operate with one another with a view to co-ordinating and standardising the regulation of health and social care research in the UK: section 111(4). The HRA and certain specified bodies which carry out some devolved functions in relation to health and social care research will also be under a duty to co-operate with each other with a view to co-ordinating and promoting regulatory practice: section 111(1) In relation to Scotland, this is the Human Tissue Authority.
54. The HRA will also be able to take on related functions from Scotland where the parties agree: paragraph 15 of Schedule 7. Steps will also be taken to harmonise the legislation relating to ethics committees across the UK.