



# Social Care (Self-directed Support) (Scotland) Act 2013

## 2013 asp 1

### *General principles*

#### **1 General principles**

- (1) A local authority must have regard to the principles in subsections (2) to (4) in carrying out its functions under—
  - (a) Part 2 of the 1968 Act (other than the provisions mentioned in subsection (5)),
  - (b) sections 22 <sup>[F1]</sup>and 23] of the 1995 Act,
  - (c) this Act.
  - <sup>[F2]</sup>(d) Part 2 or 3 of the Carers (Scotland) Act 2016.]
- (2) A person must have as much involvement as the person wishes in relation to—
  - (a) the assessment of the person's needs for support or services, and
  - (b) the provision of support or services for the person.
- (3) A person must be provided with any assistance that is reasonably required to enable the person—
  - (a) to express any views the person may have about the options for self-directed support, and
  - (b) to make an informed choice when choosing an option for self-directed support.
- (4) A local authority must collaborate with a person in relation to—
  - (a) the assessment of the person's needs for support or services, and
  - (b) the provision of support or services for the person.
- (5) The provisions are—
  - (a) sections 27 to 27B (which make provision in relation to the supervision and care of persons put on probation or released from prison etc.),
  - <sup>F3</sup>(b) .....
  - (c) section 29 (local authority's power to make payments to parents etc. in respect of expenses for visiting certain persons and attending funerals).

*Status: Point in time view as at 04/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Cross Heading: General principles. (See end of Document for details)*

(6) In this section—

- (a) references to the assessment of a person's needs are references to assessment under section 12A of the 1968 Act [<sup>F4</sup>, section 23(3)] of the 1995 Act [<sup>F5</sup> or by virtue of section 8 or 14 of the Carers (Scotland) Act 2016,]
- (b) references to the provision of support for a person are references to the provision of support under [<sup>F6</sup> section 24 of the Carers (Scotland) Act 2016],
- (c) references to the provision of services for a person are references to the provision of community care services under Part 2 of the 1968 Act or, as the case may be, the provision of services under section 22 of the 1995 Act.

#### Textual Amendments

- F1** Words in s. 1(1)(b) substituted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(2)(a)**; S.S.I. 2017/152, reg. 4
- F2** S. 1(1)(d) inserted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), **ss. 29, 45(2)**; S.S.I. 2017/152, reg. 4
- F3** S. 1(5)(b) repealed (4.4.2019) by Burial and Cremation (Scotland) Act 2016 (asp 20), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2018/380, reg. 2, **sch.** (with reg. 8)
- F4** Words in s. 1(6)(a) substituted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(2)(b)(i)**; S.S.I. 2017/152, reg. 4
- F5** Words in s. 1(6)(a) inserted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(2)(b)(ii)**; S.S.I. 2017/152, reg. 4
- F6** Words in s. 1(6)(b) substituted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(2)(c)**; S.S.I. 2017/152, reg. 4

#### Commencement Information

- I1** S. 1 in force at 1.4.2014 by S.S.I. 2014/32, **art. 3**

## 2 Further general principles applicable to this Act

In carrying out its functions under this Act in relation to a person who is to choose (or has chosen) one of the options for self-directed support, a local authority must take reasonable steps to facilitate the following general principles—

- (a) that the right to dignity of the person is to be respected,
- (b) that the person's right to participate in the life of the community in which the person lives is to be respected.

#### Commencement Information

- I2** S. 2 in force at 1.4.2014 by S.S.I. 2014/32, **art. 3**

**Status:**

Point in time view as at 04/04/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Cross Heading: General principles.