



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 ^[F1]and 23] of the 1995 Act,
 - (c) this Act.
 - ^[F2](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.),
 - ^{F3}(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Status: Point in time view as at 29/09/2021. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 1. (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 [^{F4}, section 23(3)] of the 1995 Act [^{F5} 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 [^{F6} 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

Modifications etc. (not altering text)

- C1** S. 1 restricted (temp.) (5.4.2020) by Coronavirus Act 2020 (c. 7), **ss. 16(1)(2)**, 87(2) (with **ss. 16(12)**, 88-90); S.S.I. 2020/121, **reg. 2(a)** (which affecting provision is suspended (30.11.2020) by The Coronavirus Act 2020 (Suspension Adult Social Care) (Scotland) Regulations 2020 (S.S.I. 2020/377), regs. 1(1), **2(a)** (with reg. 3)) (and which affecting provision expires (25.3.2022) by virtue of Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90))
- C2** S. 1 restricted (temp.) (5.4.2020) by Coronavirus Act 2020 (c. 7), **ss. 16(3)(4)**, 87(2) (with **ss. 16(13)**, 88-90); S.S.I. 2020/121, **reg. 2(a)** (which affecting provision is part suspended (30.11.2020) by The Coronavirus Act 2020 (Suspension Adult Social Care) (Scotland) Regulations 2020 (S.S.I. 2020/377), regs. 1(1), **2(c)** (with reg. 4) and suspended in so far as not already suspended (29.9.2021) by The Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 (S.S.I. 2021/315), regs. 1(1), **2(c)** (with reg. 3)) (and which affecting provision expires (25.3.2022) by virtue of Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90))
- C3** S. 1 restricted (temp.) (5.4.2020) by Coronavirus Act 2020 (c. 7), **ss. 16(7)(8)**, 87(2) (with **ss. 16(13)**, 88-90); S.S.I. 2020/121, **reg. 2(a)** (which affecting provision is suspended (29.9.2021) by The Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 (S.S.I. 2021/315), regs. 1(1), **2(d)** (with reg. 3)) (and which affecting provision expires (25.3.2022) by virtue of Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90))

Commencement Information

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

Status:

Point in time view as at 29/09/2021. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 1.