



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

## 2013 asp 1

### *Options for self-directed support*

#### **5 Choice of options: adults**

- (1) This section applies where a local authority decides under section 12A(1)(b) of the 1968 Act that the needs of an adult (the “supported person”) call for the provision of community care services (“support”).
- (2) The authority must give the supported person the opportunity to choose one of the options for self-directed support unless the authority considers that the supported person is ineligible to receive direct payments.
- (3) If the authority considers that the supported person is ineligible to receive direct payments the authority must—
  - (a) notify the supported person of—
    - (i) the reason why the authority considers that to be the case, and
    - (ii) the circumstances in which the authority must under section 12 review the question of whether the supported person is ineligible to receive direct payments, and
  - (b) give the supported person the opportunity to choose one of the options for self-directed support other than—
    - (i) Option 1, and
    - (ii) so far as relating to that option, Option 4.
- (4) In carrying out the duties imposed by subsections (2) and (3)(b), the authority must inform the supported person of—
  - (a) the amount that is the relevant amount for each of the options for self-directed support from which the authority is giving the person the opportunity to choose, and
  - (b) the period to which the amount relates.
- (5) If the supported person does not make a choice in pursuance of subsection (2) or (3)
  - (b) the supported person is deemed to have chosen Option 3.

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**Changes to legislation:** There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 5. (See end of Document for details)

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- (6) The authority must give the notification required by subsection (3)(a) in writing and, if necessary, in such other form as is appropriate to the needs of the person to whom it is given.
- (7) For the purposes of this section, a person is ineligible to receive direct payments if the person is of a description specified in regulations under section 15(2)(a).

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**Modifications etc. (not altering text)**

- C1** S. 5 modified (1.4.2014) by [The Self-directed Support \(Direct Payments\) \(Scotland\) Regulations 2014 \(S.S.I. 2014/25\)](#), regs. 1, **11**

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**Commencement Information**

- 11** S. 5 in force at 1.4.2014 by [S.S.I. 2014/32](#), **art. 3** (with art. 4(1)(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 5.