

SCHEDULE CONSEQUENTIAL MODIFICATIONS

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

- 5 (1) The Social Care (Self-directed Support) (Scotland) Act 2013 is amended as follows.
- (2) In section 1 (general principles)—
- (a) in subsection (1)(b), for “to 24” substitute “and 23”,
 - (b) in subsection (6)(a)—
 - (i) for “or, as the case may be, section 12AA of that Act or section 23(3) or 24” substitute “, section 23(3)”,
 - (ii) after “1995 Act” insert “or by virtue of section 8 or 14 of the Carers (Scotland) Act 2016”,
 - (c) in subsection (6)(b), for “section 3(4)” substitute “section 24 of the Carers (Scotland) Act 2016”.
- (3) Section 3 (support for adult carers) is repealed.
- (4) In section 7 (choice of options: adult carers)—
- (a) in subsection (1), for “(the “supported person”) under section 3(4)” substitute “an adult carer or, as the case may be, a young carer under section 24(4) of the Carers (Scotland) Act 2016”,
 - (b) after subsection (4) insert—
 - “(4A) Subsection (4B) applies where the supported person is an appropriate person in relation to the young carer.
 - (4B) Before making a choice in pursuance of subsection (2) or (3)(b), the supported person must, so far as practicable and taking account of the maturity of the young carer—
 - (a) give the young carer an opportunity to indicate whether the young carer wishes to express the young carer’s views,
 - (b) if the young carer wishes to do so, give the young carer an opportunity to express them, and
 - (c) have regard to any views expressed by the young carer.”,
 - (c) after subsection (6) insert—
 - “(7) In this section—
 - “the 1989 Act” means the Children Act 1989,
 - “the 1995 Order” means the Children (Northern Ireland) Order 1995 ([S.I. 1995/755](#)),
 - “adult carer” has the meaning given by section 3 of the Carers (Scotland) Act 2016,
 - “appropriate person”, in relation to a young carer, means—
 - (a) a parent or guardian having parental responsibilities or parental rights in relation to the young carer under Part 1 of the 1995 Act,
 - (b) a person in whom parental responsibilities or parental rights are vested by virtue of section 11(2)(b) of the 1995 Act,

Status: This is the original version (as it was originally enacted).

- (c) a person having parental responsibilities or parental rights by virtue of section 11(12) of the 1995 Act,
- (d) a parent having parental responsibility for the young carer under Part 1 of the 1989 Act,
- (e) a person having parental responsibility for the young carer by virtue of—
 - (i) section 12(2) of the 1989 Act,
 - (ii) section 14C of the 1989 Act, or
 - (iii) section 25(3) of the Adoption and Children Act 2002,
- (f) a parent having parental responsibility for the young carer under Part 2 of the 1995 Order,
- (g) a person having parental responsibility for the young carer under Article 12(2) of the 1995 Order,
- (h) a person in whom parental responsibilities or parental rights are vested by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007),

“supported person” means—

- (a) where the support is to be provided to an adult carer, the adult carer,
- (b) where the support is to be provided to a young carer—
 - (i) if the young carer is under 16 years of age, an appropriate person,
 - (ii) if the young carer is 16 years of age or over, the young carer,

“young carer” has the meaning given in section 2 of the Carers (Scotland) Act 2016.”

- (d) the title to that section becomes “Choice of options: adult carers and young carers”.

- (5) In section 10 (provision of information: children under 16)—
 - (a) in subsection (1), for “section 8” substitute “section 7 or 8”,
 - (b) in subsection (2)—
 - (i) before first “child” insert “young carer or, as the case may be,”,
 - (ii) before second “child” insert “young carer or”,
 - (c) in subsection (3), before “child” insert “young carer or”,
 - (d) in subsection (4), after “meaning” insert “—
 - (a) in relation to a young carer, as in section 7(7),
 - (b) in relation to a child,”.
- (6) In section 11(3) (local authority functions), after “1968 Act” insert “, section 24 of the Carers (Scotland) Act 2016”.