

EXPLANATORY NOTES

COMMUNITY CARE AND HEALTH (SCOTLAND) ACT 2002

INTRODUCTION

SUMMARY AND BACKGROUND

TERMINOLOGY

PART 1 – COMMUNITY CARE

Charging and not charging for social care

Section 1 - Regulations as respects charging and not charging for social care

Accommodation

Section 2 - Accommodation provided under 1968 Act etc.

Section 3 - Disregarding of resources when determining whether to make available assistance by providing residential accommodation

Section 4 - Accommodation more expensive than usually provided

Section 5 - Local authority arrangements for residential accommodation outwith Scotland

Section 6 - Deferred payment of accommodation costs

Direct payments

Section 7 - Direct payments

Carers

Section 8 – Amendment of 1968 Act: matters to be taken account of in assessment of needs

Section 9 - Amendment of 1968 Act: assessment of ability to provide care etc.

Section 10 – Amendment of the 1995 Act: matters to be taken into account in assessment of needs of child affected by disability

Section 11 - Amendment of 1995 Act: assessment of ability to provide care for disabled child etc.

Section 12 – Carer information strategies

PART 2 – JOINT WORKING, ETC.

Section 13 - Payments by NHS bodies towards certain local authority expenditure

Section 14 - Payments by local authorities towards expenditure by NHS bodies on prescribed functions

Section 15 - Delegation etc. between local authorities and NHS bodies

Section 16 - Transfer of staff

Section 17 - Scottish Ministers' power to require delegation etc. between local authorities and NHS bodies

PART 3 – HEALTH

Health Boards' lists

Section 18 - Services lists and supplementary lists

Section 19 - Representations against preferential treatment

Miscellaneous

Section 20 - Amendment of Road Traffic Act 1988 and Road Traffic (NHS Charges) Act 1999: payment for treatment of traffic casualties

Section 21 - Amendment of 1978 Act: schemes for meeting losses and liabilities etc. of certain health bodies

PART 4 – GENERAL

Section 22 – Interpretation

Section 25 - Minor and consequential amendments and repeals

Section 26 - Guidance and directions

Section 27 - Short title and commencement

Schedule 1 - Social care not ordinarily charged for

Schedule 2 – Minor and consequential amendments and repeals

Paragraph 1 – Social Work (Scotland) Act 1968 (c.49)

Paragraph 2 – National Health Service (Scotland) Act 1978 (c.29)

Paragraph 3 – National Health Service (Primary Care) Act 1997 (c.46)

Paragraph 4 –Health Act 1999 (c.8)

PARLIAMENTARY HISTORY OF COMMUNITY CARE & HEALTH (SCOTLAND) ACT 2002