



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 1

COMMUNITY CARE

Carers

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

In section 12A of the 1968 Act (duty of local authority to assess needs of adults for community care services), for paragraph (b) of subsection (1), there is substituted—

“(b) shall then decide, having regard to the results of that assessment, and taking account—

(i) where it appears to them that a person (“the carer”) provides a substantial amount of care on a regular basis for that person, of such care as is being so provided; and

(ii) in so far as it is reasonable and practicable to do so, both of the views of the person whose needs are being assessed and of the views of the carer (provided that, in either case, there is a wish, or as the case may be a capacity, to express a view),

whether the needs of the person being assessed call for the provision of any such services.”.

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

(1) In section 12A of the 1968 Act (duty of local authority to assess needs of adults for community care services), subsections (3A) to (3C) are repealed.

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Changes to legislation: There are currently no known outstanding effects for the Community Care and Health (Scotland) Act 2002, Cross Heading: Carers. (See end of Document for details)

Textual Amendments

F1 S. 9(2) repealed (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 3(2)**; S.S.I. 2017/152, reg. 4

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

In section 23 of the 1995 Act (assessment by local authority of needs of child affected by disability), after subsection (3) there is inserted—

“(4) In determining the needs of a child under subsection (3) above, the local authority shall take account—

(a) where it appears to them that a person (“the carer”) provides a substantial amount of care on a regular basis for the child, or for another person in the child’s family who is being assessed under that subsection, of such care as is being so provided; and

(b) in so far as it is reasonable and practicable to do so, of—

(i) the views of the parent or guardian of the child, and the child; and

(ii) the views of the carer,

provided that the parent, guardian, child or carer in question has a wish, or as the case may be, a capacity, to express a view.”.

F2 11 Amendment of 1995 Act: assessment of ability to provide care for disabled child etc.

Textual Amendments

F2 S. 11 repealed (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 3(3)**; S.S.I. 2017/152, reg. 4

F3 12 Carer information strategies

Textual Amendments

F3 S. 12 repealed (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 3(3)**; S.S.I. 2017/152, reg. 4

Changes to legislation:

There are currently no known outstanding effects for the Community Care and Health (Scotland) Act 2002, Cross Heading: Carers.