SCHEDULE 1

(introduced by section 1(1)(c))

SOCIAL CARE NOT ORDINARILY CHARGED FOR

1 As regards the personal hygiene of the person cared for—

(a) shaving;

(b) cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;

(c) providing assistance in rinsing the mouth;

(d) keeping finger nails and toe nails trimmed;

(e) assisting the person with going to the toilet or with using a bedpan or other receptacle;

(f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;

(g) where the person is incontinent—

(i) the consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing; and

(ii) caring for the person's skin to ensure that it is not adversely affected.

2 As regards the person's eating requirements—

(a) assisting with the preparation of food;

(b) assisting in the fulfilment of special dietary needs.

3 If the person is immobile or substantially immobile, dealing with the problems of that immobility.

4 If the person requires medical treatment, assisting with medication, as for example by—

(a) applying creams or lotions;

(b) administering eye drops;

(c) applying dressings in cases where this can be done without the physical involvement of a registered nurse or of a medical practitioner;

(d) assisting with the administration of oxygen as part of a course of therapy.

5 With regard to the person's general well-being—

(a) assisting with getting dressed;

(b) assisting with surgical appliances, prosthesis and mechanical and manual equipment;

(c) assisting with getting up and with going to bed;

(d) the provision of devices to help memory and of safety devices;

(e) behaviour management and psychological support.

SCHEDULE 2

(introduced by section 25)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Social Work (Scotland) Act 1968 (c. 49)

1 (1) The 1968 Act is amended as follows.

(2) In section 12B(7) (which empowers a local authority to make direct payments to a person who is of a specified description, being a person in need, so that the person may secure the provision of a community care service), for the word "service" there is substituted "services".

(3) In section 12C(2) (effect of direct payment on obligation of local authority with respect to the provision of the service to which it relates)—

(a) for the words "section 12B(1)" there is substituted "subsection (1) of section 12B";

(b) after the word "relates" there is inserted "(except in so far as it is provided by them by virtue of that subsection)"; and

(c) for the words "the person's own arrangements" there is substituted "that subsection".

(4) In section 13A(2) (residential accommodation with nursing), the word "The", where it first occurs, is repealed.

(5) In section 94(1) (interpretation), in paragraph (c) of the definition of "prescribed", after the word "sections" there is inserted "12(3A),".

National Health Service (Scotland) Act 1978 (c. 29)

2 (1) The 1978 Act is amended as follows.

(2) In section 16A (payments by Health Boards towards expenditure of others on community services), after subsection (4) there is added—

"(5) This section is without prejudice to section 13 of the Community Care and Health (Scotland) Act 2002 (asp 5) (payments by NHS bodies towards certain local authority expenditure).".

(3) In section 20 (applications to provide general medical services)—

(a) in subsection (1), for the words "a list kept by that Board of the names of medical practitioners undertaking to provide general medical services for persons in the Board's area" there is substituted "the Board's medical list"; and

(b) in subsection (1A), for the words "the list kept by any Health Board" there is substituted "a Health Board's medical list".

(4) In section 29 (the NHS Tribunal)—

(a) in subsection (6), at the end there is added ", are approved to assist in providing or are approved to perform"; and

(b) in subsection (8)—

(i) at the end of paragraph (a), there is added "or approved to assist in the provision of such services"; and

(ii) after that paragraph, there is inserted—

"(aa) a list of medical practitioners approved to perform personal medical services—

(i) in accordance with section 17C arrangements; or

(ii) in connection with the provision of such services under a pilot scheme;"; and

(iii) for the words "this Part" there is substituted "or by virtue of this Part or Part I of this Act".

(5) In section 29A (the NHS Tribunal: supplementary)—

(a) in subsection (3)—

(i) in paragraph (a), after the word "providing" there is inserted ", or as the case may be performing,"; and

(ii) in paragraph (b), after the word "provision" there is inserted ", or performance,"; and

(b) after subsection (3) there is inserted—

"(3A) Without prejudice to the generality of subsection (3), that subsection applies in relation to the provision of general medical services in the area of a Health Board even where the practitioner's name is included only in a supplementary list of the Board.".

(6) In section 29B (powers of NHS Tribunal)—

(a) in subsection (2)(a), after the word "inclusion" there is inserted "—

(i) in the case of a medical practitioner other than one mentioned in paragraph (b) of subsection (8) of section 29, in any of the Health Board's lists within paragraphs (a) and (aa) of that subsection (whether or not including the list to which the case relates); and

(ii) in any other case,";

(b) in subsection (2)(b), for the words from "in" to the end there is substituted "—

(i) in the case of a medical practitioner other than one so mentioned, in all lists within those paragraphs (a) and (aa); and

(ii) in any other case, in all lists within the same paragraph of that subsection as the list to which the case relates."; and

(c) in subsection (3), after the word "provision" there is inserted ", or as the case may be performance,".

(7) In section 30(4) (construction of references to Health Board)—

(a) after the word "providing" there is inserted ", or as the case may be performing,";

(b) for the words "any corresponding authority" there is substituted "a reference to any authority which"; and

(c) at the end there is added "would be entitled to request a review corresponding to that mentioned in the subsection".

(8) In section 31 (disqualification provisions in England and Wales or Northern Ireland)—

(a) in subsection (1)(a)—

(i) after the word "under", where it first occurs, there is inserted "or by virtue of";

(ii) for the words "those provisions" there is substituted "or by virtue of—" and the following sub-paragraphs—

"(i) those provisions so in force; or

(ii) provisions so in force corresponding to the provisions of Part I of this Act,"; and

(iii) after the word "provide" there is inserted ", approved to assist in providing or approved to perform"; and

(b) in subsection (2)—

(i) after the word "provision", in each of the two places where it occurs, there is inserted ", assistance in provision or performance"; and

(ii) at the end there is added ", section 17C arrangements or a pilot scheme".

(9) In section 32A (applications for interim suspension)—

(a) in subsection (2A)(a), after the word "Part" there is inserted ", section 17C arrangements or a pilot scheme";

(b) in subsection (3)(c), after the word "provision" there is inserted "or performance"; and

(c) in subsection (6)(a), after the word "provide" there is inserted ", approved to assist in providing or approved to perform".

(10) In section 32B—

(a) in subsection (2)—

(i) in paragraph (a), for the words "direction under section 29(3)(b)" there is substituted "national disqualification"; and

(ii) in paragraph (b), for the words "that direction" there is substituted "the disqualification"; and

(b) in subsection (3), for the words "32(A)(3)" there is substituted "32A(3)".

(11) In section 32D (suspension provisions in England and Wales or in Northern Ireland)—

(a) in subsection (1)—

(i) after the words "prepared under" there is inserted "or by virtue of"; and

(ii) after the word "Part" there is inserted "or Part I";

(b) in subsection (2)(a), for the words "this Part" there is substituted "or by virtue of this Part or Part I"; and

(c) in each of those subsections, after the word "provide" there is inserted ", approved to assist in providing or approved to perform".

(12) In section 108(1) (interpretation), at the appropriate places there are inserted—

""medical list" means the list of medical practitioners undertaking to provide general medical services kept by a Health Board under regulations made under section 19(2)(a);";

""pilot scheme" has the meaning given by section 1 of the National Health Service (Primary Care) Act 1997 (c. 46);";

""services list" has the meaning indicated in section 17EA(2);";

""supplementary list" has the meaning indicated in section 24B(2);".

(13) In paragraph 17 of Schedule 7A, at the beginning there is inserted "Subject to the provisions of any regulations made under section 15(4)(c) of the Community Care and Health (Scotland) Act 2002 (asp 5),".

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

3 In Schedule 2 to the National Health Service (Primary Care) Act 1997 (amendments of enactments), paragraph 57, in so far as providing for a definition of the expression "medical list", is repealed.

Health Act 1999 (c. 8)

4 In Schedule 4 to the Health Act 1999 (amendments of enactments), paragraph 52(b) is repealed.