

SCHEDULE  
(introduced by section 44)  
CONSEQUENTIAL MODIFICATIONS

*Social Work (Scotland) Act 1968*

- 1 (1) The Social Work (Scotland) Act 1968 is amended as follows.
- (2) Sections 12AA and 12AB are repealed.

*Children (Scotland) Act 1995*

- 2 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) Sections 24 and 24A are repealed.

*Community Care and Health (Scotland) Act 2002*

- 3 (1) The Community Care and Health (Scotland) Act 2002 is amended as follows.
- (2) Section 9(2) is repealed.
- (3) Sections 11 and 12 are repealed.

*Public Services Reform (Scotland) Act 2010*

- 4 In schedule 13 of the Public Services Reform (Scotland) Act 2010, after the entry relating to the Adoption and Children (Scotland) Act 2007, insert—  
“Carers (Scotland) Act 2016”.

*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- (3) Section 3 (support for adult carers) is repealed.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.

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*Status: This is the original version (as it was originally enacted).*

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- (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,
- (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,

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*Status: This is the original version (as it was originally enacted).*

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- (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”.

#### *Public Bodies (Joint Working) (Scotland) Act 2014*

- 6 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is amended as follows.
- (2) In Part 1 of the schedule—
  - (a) in the entry for the Social Work (Scotland) Act 1968, “12AA, 12AB,” is repealed,
  - (b) in the entry for the Children (Scotland) Act 1995, after “19” insert “to 23, 25”,
  - (c) after the entry relating to the Social Care (Self-directed Support) (Scotland) Act 2013, insert—
    - “Sections 6, 12, 21, 24, 25, 31, 34 and 35 of the Carers (Scotland) Act 2016.”.