
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints days for provisions of the Social Care (Self-directed Support) (Scotland) Act 2013 (“the 2013 Act”) to come into force. Section 18 (power to charge for service provided under section 3) comes into force on 17th February 2014. The remaining provisions of the 2013 Act come into force on 1st April 2014. The Bill for the 2013 Act received Royal Assent on 10th January 2013. Sections 15 (power to make further provision about direct payments), 22 (regulations: general), 24 (interpretation), 26 (ancillary provision), 27 (transitional provision etc.), 28 (commencement) and 29 (short title) came into force on the following day.

Article 4 makes transitional provisions in relation to cases where a local authority is already providing community care services within the meaning of the Social Work (Scotland) Act 1968 (“the 1968 Act”) or services under section 22 of the Children (Scotland) Act 1995 before 1st April 2014. Section 5 and 6 or 8 of the 2013 Act do not apply in such cases until the first time on or after 1st April 2014 that the local authority reviews the person’s needs and the services being provided.

Article 5 makes a saving provision in relation to a direct payment which has already been offered under section 12B of the 1968 Act before 1st April 2014 and accepted. Sections 12B and 12C of the 1968 Act (which make provision in relation to direct payments in respect of community care services) continue to apply in respect of that payment despite their repeal in section 25 of the 2013 Act, which comes into force on 1st April 2014.