



Carers (Recognition and Services) Act 1995

1995 CHAPTER 12

2 Assessment of ability of carers to provide care: Scotland.

(1) Section 12A of the ^{M1}Social Work (Scotland) Act 1968 (duty of local authority to assess needs for certain services) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

“(3A) Subject to subsection (3B) below, in any case where—

- (a) a local authority make an assessment of the needs of any person (“the relevant person”) under subsection (1)(a) above, and
- (b) a person (“the carer”) provides or intends to provide a substantial amount of care on a regular basis for the relevant person,

the carer may request the local authority, before they make their decision under subsection (1)(b) above, to make an assessment of his ability to provide and to continue to provide care for the relevant person; and if he makes such a request, the local authority shall make such an assessment and shall have regard to the results of that assessment in making that decision.

(3B) No request may be made under subsection (3A) above by a person who provides or will provide the care in question—

- (a) by virtue of a contract of employment or other contract; or
- (b) as a volunteer for a voluntary organisation.

(3C) Section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (duty of local authority to take into account ability of carers) shall not apply in any case where an assessment is made under subsection (3A) above in respect of a person who provides the care in question for a disabled person.”.

(3) In subsection (8), after the definition of “medical practitioner” there shall be inserted—

““person” means a natural person.”.

Changes to legislation: There are currently no known outstanding effects for the Carers (Recognition and Services) Act 1995, Section 2. (See end of Document for details)

Marginal Citations

M1 1968 c. 49.

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