
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 304

The Community Care (Assessment of Needs) (Scotland) Regulations 2002

Transitional arrangement for those receiving a care home service

2.—(1) Section 12A(1) and (2) of the 1968 Act is modified in accordance with the following paragraphs of this regulation.

(2) A local authority shall treat a relevant person as being a person who, for the purposes of section 12A(1) of the 1968 Act, may be in need of services and the duty of a local authority to make an assessment under paragraph (a) of that subsection shall not apply in respect of such a person.

(3) On the making of the request referred to in the definition of “relevant person” in regulation 1(2) and where a local authority does not intend to make an assessment of that kind, the local authority shall decide that, pending any assessment that the local authority may later make, the needs of that person call for the provision of services and it shall regard that person as being in need of such care as the person is receiving from the care home service.

(4) Where a local authority does not make an assessment before making a decision concerning the needs of a relevant person it may make a decision under section 12A(2) of the 1968 Act without consulting a medical practitioner.