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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 315**

**The Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021**

**Transitional provisions**

3.—(1) A local authority which has—

- (a) relied on section 16(3) of the 2020 Act together with any of the following provisions of the 2020 Act—
  - (i) section 16(4)(c),
  - (ii) section 16(4)(d),
  - (iii) section 16(4)(e) (insofar as it relates to a young carer),in relation to a person, and
- (b) provided support to the person under section 24 of the 2016 Act (duty to provide support) pursuant to the reliance,

must continue to provide that support until one of the events mentioned in paragraph (2) occurs.

(2) The events referred to in paragraph (1) are—

- (a) the local authority has prepared a young carer statement under section 12 of the 2016 Act (duty to prepare young carer statement) in relation to the person and has identified the person's outcomes and needs under the Carers (Scotland) Act 2016 (Adult Carers and Young Carers: Identification of Outcomes and Needs for Support) Regulations 2018(1), with regard to section 1 of the 2013 Act (general principles regarding provision of social care) insofar as it relates to Part 2 and Part 3 of the 2016 Act,
- (b) the person no longer has a requirement for the support,
- (c) the person has refused the offer of a young carer statement, or
- (d) the person's existing young carer statement has been reviewed in accordance with the Carers (Scotland) Act 2016 (review of Adult Carer Support Plan and Young Carer Statement) Regulations 2018(2).

(3) A local authority which has—

- (a) relied on section 16(7) of the 2020 Act in relation to a child, and
- (b) provided services to the child under section 22(1) of the 1995 Act (promotion of welfare of children in need), pursuant to the reliance,

must continue to provide those services until one of the events mentioned in paragraph (4) occurs.

(4) The events referred to in paragraph (3) are—

- (a) the local authority has fulfilled the duty under section 23(3) of the 1995 Act (duty to assess needs of child affected by disability) in relation to the child, having regard to section 1 of the 2013 Act (insofar as it relates to section 22 or 23 of the 1995 Act), or

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(1) S.S.I. 2018/109.

(2) S.S.I. 2018/33.

- (b) the child no longer has a requirement for those services.
- (5) A local authority which has—
  - (a) relied on section 16(9) of the 2020 Act in relation to a person,
  - (b) pursuant to the reliance, provided advice, guidance or assistance to any person under any of the following provisions of the 1995 Act (after-care for a person who was looked after by the authority)—
    - (i) section 29(1), or
    - (ii) section 29(5A)(3),

must continue to provide that advice, guidance or assistance until one of the events mentioned in paragraph (6) occurs.

- (6) The events referred to in paragraph (5) are—
  - (a) the local authority has fulfilled the duty under section 29(5) of the 1995 Act (duty to assess the needs of a person requiring after-care), or
  - (b) the person no longer has a requirement for such advice, guidance or assistance.

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(3) Section 29(1) was amended by, and section 29(5A) inserted by, section 66(2) of the Children and Young People (Scotland) Act 2014 ([asp 8](#)).