

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Care Act 2014, Paragraph 3 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### CROSS-BORDER PLACEMENTS

##### *Placements from Scotland to England, Wales or Northern Ireland*

- 3 (1) Where a local authority in Scotland is discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 by securing the provision of accommodation in England, the adult in question is not to be treated for the purposes of this Part of this Act as ordinarily resident anywhere in England.
- (2) Where a local authority in Scotland is discharging its duty under a provision referred to in sub-paragraph (1) by securing the provision of accommodation in Wales, the adult in question is not to be treated for the purposes of the Social Services and Well-being (Wales) Act 2014 as ordinarily resident anywhere in Wales.
- (3) Where a local authority in Scotland is discharging its duty under a provision referred to in sub-paragraph (1) by securing the provision of accommodation in Northern Ireland, no duty under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Social Care (Reform) Act (Northern Ireland) 2009 to provide or secure the provision of accommodation or other facilities applies in the case of the adult in question.
- (4) In section 5 of the Community Care and Health (Scotland) Act 2002 (local authority arrangements for residential accommodation outside Scotland)—
- (a) in subsection (1), after “the 1968 Act” insert “ or under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (care and support) ”,
  - (b) in subsection (2), for “such arrangements” substitute “ persons for whom such arrangements are made ”, and
  - (c) for subsections (5) and (6) substitute—
- “(5) In subsections (1) and (3) above, “appropriate establishment” means an establishment of such description or conforming to such requirements as may be specified in regulations under subsection (1).”
- (5) Regulations may make further provision in relation to arrangements of the kind referred to in this paragraph.

#### **Commencement Information**

- 11** Sch. 1 para. 3(1)-(3) (5) in force at 1.4.2015 by S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)
- 12** Sch. 1 para. 3(4) in force at 1.10.2014 by S.I. 2014/2473, art. 2(2)

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- I3** Sch. 1 para. 3(4) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), **art. 2(x)(i)** (with transitional provisions in [S.I. 2015/995](#))

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