

SOCIAL CARE (SELF-DIRECTED SUPPORT)(SCOTLAND) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 4 to 14 – Options for self-directed support

Section 11 – Local authority functions

37. **Section 11** sets out a local authority's functions when a choice is made under section 5, 7 or 8.
38. Subsection (2) requires the authority to give effect to the option selected by the person under section 4 and accompanying section 5, 7 or 8.
39. Subsection (3) provides that a local authority has fulfilled its duty to provide support under either the 1968 Act or the Children's (Scotland) Act 1995 when it has offered the options as set out in section 4 and when it has given effect to the chosen option.
40. Subsection (4) provides that compliance with subsection (2) does not extinguish any other function of a local authority. It is similar to provision made by section 12C of the 1968 Act (to be repealed by section 25 of the Act). If for example, a person's needs were not being met by the support they were being provided a local authority's duty has not been extinguished by virtue of their already having provided support. In particular subsection (4)(b) states that the exercise of an authority's power to make available assistance in cash to or in respect of the person in an emergency persists.