

*These notes relate to the Carers (Scotland) Act 2016
(asp 9) which received Royal Assent on 9 March 2016*

CARERS (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 3 – Provision of Support to Carers

Chapter 1 – Eligibility Criteria

National eligibility criteria

Section 23 - National eligibility criteria

68. Subsection (1) confers a power on the Scottish Ministers to make regulations setting out national eligibility criteria. Regulations under this subsection will be subject to affirmative procedure (see section 42(2)).
69. Subsection (2) provides that the national eligibility criteria are the criteria by which each local authority must assess whether it is required to provide support to carers to meet their identified needs.
70. Subsection (3) sets out that, where regulations are made under this section and have not been revoked, the national eligibility criteria set out in them apply in place of any local eligibility criteria published under section 22. In such a situation, references elsewhere in the Act to local eligibility criteria are to be read as references to the national eligibility criteria.
71. Subsection (4) sets out that regulations made under this section may modify any enactment, including this Act.