
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”) which, together with the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 (“the principal Regulations”), provides that local authorities are not to charge for certain types of social care provided or secured by them.

Regulation 2 of the principal Regulations modifies, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 and section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

These Regulations amend regulation 2 of the principal Regulations to increase the thresholds below which certain care is not to be charged for.

In respect of personal care, personal support and care of a kind mentioned in schedule 1 of the 2002 Act, the first £233.10 is not to be charged for (up from £212.85). For these purposes, “personal care” and “personal support” have the same meaning as in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010.

In respect of nursing care, the first £104.90 is not to be charged for (up from £95.80).

Regulation 3 revokes the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2022.

No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations on the basis that there is no foreseeable impact on business, charities or voluntary bodies.