

SCHEDULE

Regulation 2

PART 1

Functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
National Assistance Act 1948(1)	
Section 48	
(duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
The Disabled Persons (Employment) Act 1958(2)	
Section 3	
(provision of sheltered employment by local authorities)	
The Social Work (Scotland) Act 1968(3)	
Section 1	So far as it is exercisable in relation to another integration function.
(local authorities for the administration of the Act)	

- (1) [1948 c.29](#); section 48 was amended by the Local Government etc. (Scotland) Act [1994 \(c.39\)](#), Schedule 13, paragraph 31(4) and the Adult Support and Protection (Scotland) Act [2007 \(asp 10\)](#) schedule 2, paragraph 1.
- (2) [1958 c.33](#); section 3 was amended by the Local Government Act [1972 \(c.70\)](#), section 195(6); the Local Government (Scotland) Act [1973 \(c.65\)](#), Schedule 27; the National Health Service (Scotland) Act [1978 \(c.49\)](#), schedule 15; the Local Government Act [1985 \(c.51\)](#), Schedule 17; the Local Government (Wales) Act [1994 \(c.19\)](#), Schedules 10 and 18; the Local Government etc. (Scotland) Act [1994 \(c.39\)](#), Schedule 13; and the National Health Service (Consequential Provisions) Act [2006 \(c.43\)](#), Schedule 1.
- (3) [1968 c.49](#); section 1 was relevantly amended by the National Health Service (Scotland) Act [1972 \(c.58\)](#), Schedule 7; the Children Act [1989 \(c.41\)](#), Schedule 15; the National Health Service and Community Care Act [1990 \(c.19\)](#) (“the 1990 Act”), Schedule 10; [S.S.I. 2005/465](#) and [S.S.I. 2013/211](#). Section 4 was amended by the 1990 Act, Schedule 9, the Children (Scotland) Act [1995 \(c.36\)](#) (“the 1995 Act”), Schedule 4; the Mental Health (Care and Treatment) (Scotland) Act [2003 \(asp 13\)](#) (“the 2003 Act”), schedule 4; and [S.S.I. 2013/211](#). Section 10 was relevantly amended by the Children Act [1975 \(c.72\)](#), Schedule 2; the Local Government etc. (Scotland) Act [1994 \(c.39\)](#), Schedule 13; the Regulation of Care (Scotland) Act [2001 \(asp 8\)](#) (“the 2001 Act”) schedule 3; [S.S.I. 2010/21](#) and [S.S.I. 2011/211](#). Section 12 was relevantly amended by the 1990 Act, section 66 and Schedule 9; the 1995 Act, Schedule 4; and the Immigration and Asylum Act [1999 \(c.33\)](#), section 120(2). Section 12A was inserted by the 1990 Act, section 55, and amended by the Carers (Recognition and Services) Act [1995 \(c.12\)](#), section 2(3) and the Community Care and Health (Scotland) Act [2002 \(asp 5\)](#) (“the 2002 Act”), sections 8 and 9(1). Section 12AZA was inserted by the Social Care (Self Directed Support) (Scotland) Act [2013 \(asp 1\)](#), section 17. Section 12AA and 12AB were inserted by the 2002 Act, section 9(2). Section 13 was amended by the Community Care (Direct Payments) Act [1996 \(c.30\)](#), section 5. Section 13ZA was inserted by the Adult Support and Protection (Scotland) Act [2007 \(asp 10\)](#), section 64. Section 13A was inserted by the 1990 Act, section 56 and amended by the Immigration and Asylum Act [1999 \(c.33\)](#), section 120(2); the 2001 Act, section 72 and schedule 3; the 2002 Act, schedule 2 and by [S.S.I. 2011/211](#). Section 13B was inserted by the 1990 Act sections 56 and 67(2) and amended by the Immigration and Asylum Act [1999 \(c.33\)](#), section 120(3). Section 14 was amended by the Health Services and Public Health Act [1968 \(c.46\)](#), sections 13, 44 and 45; the National Health Service (Scotland) Act [1972 \(c.58\)](#), Schedule 7; the Guardianship Act [1973 \(c.29\)](#), section 11(5); the Health and Social Service and Social Security Adjudications Act [1983 \(c.41\)](#), Schedule 10 and the 1990 Act, Schedule 9. Section 28 was amended by the Social Security Act [1986 \(c.50\)](#), Schedule 11 and the 1995 Act, Schedule 4. Section 29 was amended by the 1995 Act, Schedule 4. Section 59 was amended by the 1990 Act, Schedule 9; the 2001 Act, section 72(c); the 2003 Act, section 25(4) and schedule 4 and by [S.S.I. 2013/211](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014 No. 345

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
Section 4 (provisions relating to performance of functions by local authorities)	So far as it is exercisable in relation to another integration function.
Section 8 (research)	So far as it is exercisable in relation to another integration function.
Section 10 (financial and other assistance to voluntary organisations etc. for social work)	So far as it is exercisable in relation to another integration function.
Section 12 (general social welfare services of local authorities)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (duty of local authorities to assess needs)	So far as it is exercisable in relation to another integration function.
Section 12AZA (assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 12AA (assessment of ability to provide care)	
Section 12AB (duty of local authority to provide information to carer)	
Section 13 (power of local authorities to assist persons in need in disposal of produce of their work)	
Section 13ZA (provision of services to incapable adults)	So far as it is exercisable in relation to another integration function.
Section 13A (residential accommodation with nursing)	
Section 13B (provision of care or aftercare)	
Section 14	

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i> (home help and laundry facilities)	<i>Limitation</i>
Section 28 (burial or cremation of the dead)	So far as it is exercisable in relation to persons cared for or assisted under another integration function.
Section 29 (power of local authority to defray expenses of parent, etc., visiting persons or attending funerals)	
Section 59 (provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision)	So far as it is exercisable in relation to another integration function.
The Local Government and Planning (Scotland) Act 1982(4)	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly)	
Disabled Persons (Services, Consultation and Representation) Act 1986(5)	
Section 2 (rights of authorised representatives of disabled persons)	
Section 3 (assessment by local authorities of needs of disabled persons)	
Section 7 (persons discharged from hospital)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions.
Section 8 (duty of local authority to take into account abilities of carer)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.
The Adults with Incapacity (Scotland) Act 2000(6)	

(4) 1982 c.43; section 24(1) was amended by the Local Government etc. (Scotland) Act 1994 (c.39), schedule 13.

(5) 1986 c.33. There are amendments to sections 2 and 7 which are not relevant to the exercise of a local authority's functions under those sections.

(6) 2000 asp 4; section 12 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 5(1). Section 37 was amended by S.S.I. 2005/465. Section 39 was amended by the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and by S.S.I. 2013/137. Section 41 was amended by S.S.I. 2005/465; and the

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<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
Section 10 (functions of local authorities)	
Section 12 (investigations)	
Section 37 (residents whose affairs may be managed)	Only in relation to residents of establishments which are managed under integration functions.
Section 39 (matters which may be managed)	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (duties and functions of managers of authorised establishment)	Only in relation to residents of establishments which are managed under integration functions.
Section 42 (authorisation of named manager to withdraw from resident’s account)	Only in relation to residents of establishments which are managed under integration functions.
Section 43 (statement of resident’s affairs)	Only in relation to residents of establishments which are managed under integration functions.
Section 44 (resident ceasing to be resident of authorised establishment)	Only in relation to residents of establishments which are managed under integration functions.
Section 45 (appeal, revocation etc)	Only in relation to residents of establishments which are managed under integration functions.
The Housing (Scotland) Act 2001(7)	
Section 92 (assistance for housing purposes)	Only in so far as it relates to an aid or adaptation.
The Community Care and Health (Scotland) Act 2002(8)	
Section 5 (local authority arrangements for residential accommodation outwith Scotland)	
Section 14	

Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and **S.S.I. 2013/137**. Section 45 was amended by the **Regulation of Care (Scotland) Act 2001 (asp 8)**, Schedule 3.

(7) **2001 asp 10**; section 92 was amended by the **Housing (Scotland) Act 2006 (asp 1)**, schedule 7.

(8) **2002 asp 5**.

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
(payments by local authorities towards expenditure by NHS bodies on prescribed functions)	
The Mental Health (Care and Treatment) (Scotland) Act 2003(9)	
Section 17	
(duties of Scottish Ministers, local authorities and others as respects Commission)	
Section 25	Except in so far as it is exercisable in relation to the provision of housing support services.
(care and support services etc)	
Section 26	Except in so far as it is exercisable in relation to the provision of housing support services.
(services designed to promote well-being and social development)	
Section 27	Except in so far as it is exercisable in relation to the provision of housing support services.
(assistance with travel)	
Section 33	
(duty to inquire)	
Section 34	
(inquiries under section 33: Co-operation)	
Section 228	
(request for assessment of needs: duty on local authorities and Health Boards)	
Section 259	
(advocacy)	
The Housing (Scotland) Act 2006(10)	
Section 71(1)(b)	Only in so far as it relates to an aid or adaptation.
(assistance for housing purposes)	
The Adult Support and Protection (Scotland) Act 2007(11)	
Section 4	

(9) [2003 asp 13](#); section 17 was amended by the Public Services Reform (Scotland) Act 2010 ([asp 8](#)), section 111(14), and schedules 14 and 17, and by the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)), schedule 7. Section 25 was amended by [S.S.I. 2011/211](#). Section 34 was amended by the Public Services Reform (Scotland) Act 2010 ([asp 8](#)), schedules 14 and 17.

(10) [2006 asp 1](#); section 71 was amended by the Housing (Scotland) Act 2010 ([asp 17](#)), section 151.

(11) [2007 asp 10](#); section 5 and section 42 were amended by the Public Services Reform (Scotland) Act 2010 ([asp 8](#)), schedules 14 and 17 and by the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)), schedule 7. Section 43 was amended by the Public Services Reform (Scotland) Act 2010 ([asp 8](#)), schedule 14.

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<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
(council's duty to make inquiries)	
Section 5	
(co-operation)	
Section 6	
(duty to consider importance of providing advocacy and other services)	
Section 11	
(assessment Orders)	
Section 14	
(removal orders)	
Section 18	
(protection of moved persons property)	
Section 22	
(right to apply for a banning order)	
Section 40	
(urgent cases)	
Section 42	
(adult Protection Committees)	
Section 43	
(membership)	
Social Care (Self-directed Support) (Scotland) Act 2013(12)	
Section 3	Only in relation to assessments carried out under integration functions.
(support for adult carers)	
Section 5	
(choice of options: adults)	
Section 6	
(choice of options under section 5: assistances)	
Section 7	

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
(choice of options: adult carers)	
Section 9	
(provision of information about self-directed support)	
Section 11	
(local authority functions)	
Section 12	
(eligibility for direct payment: review)	
Section 13	Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.
(further choice of options on material change of circumstances)	
Section 16	
(misuse of direct payment: recovery)	
Section 19	
(promotion of options for self-directed support)	

PART 2

Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
The Community Care and Health (Scotland) Act 2002	
Section 4(13)	
The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002(14)	

(13) Section 4 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 4 and the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 62(3).

(14) S.S.I. 2002/265, as amended by S.S.I. 2005/445.