
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision which is incidental to the Community Care (Joint Working etc.) (Scotland) Amendment Regulations 2012.

Those Regulations amend the Community Care (Joint Working etc.) (Scotland) Regulations 2002 to add various new functions to those functions which may be delegated by both local authorities and NHS bodies to each other. Those amendments include the functions of Part 1 of the Adult Support and Protection (Scotland) Act 2007 (“the 2007 Act”).

This Order makes provision incidental to those changes by clarifying, for the avoidance of doubt, that where the 2007 Act makes reference to a “council officer” and the relevant function has been delegated to an NHS body, the reference to a “council officer” must be read as including reference to an employee of an NHS body.

In addition, article 3 of this Order makes a similar change to the Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008. That Order provides that council officers can only be authorised to exercise certain functions if they fulfil particular requirements. Article 3 extends those requirements to employees of any NHS body who carries out those functions.