

2018 No. 31

SOCIAL CARE

**The Carers (Waiving of Charges for Support) (Scotland)
Amendment Regulations 2018**

Made - - - - *31st January 2018*

Laid before the Scottish Parliament *2nd February 2018*

Coming into force - - *1st April 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 87(5) of the Social Work (Scotland) Act 1968(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Carers (Waiving of Charges for Support) (Scotland) Amendment Regulations 2018 and come into force on 1st April 2018.

Amendment of the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014

2.—(1) The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014(b) are amended as follows—

- (a) in regulation 2, for “in the circumstances specified in regulation 3” substitute “where the payment is in consequence of the provision of services under section 24 of the Carers (Scotland) Act 2016 (duty to provide support)”; and
- (b) regulation 3 is revoked.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
31st January 2018

(a) 1968 c.49. Section 87 was relevantly amended by section 26 of the Carers (Scotland) Act 2016 (asp 9). The functions of the Secretary of State under section 87 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury has ceased to apply by virtue of section 55(1) of that Act.

(b) S.S.I. 2014/65.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 (“the principal Regulations”).

The provision of services to both adult carers and young carers is, from 1st April 2018, to be administered under section 24 of the Carers (Scotland) Act 2016 (“the 2016 Act”).

Section 87(1) of the Social Work (Scotland) Act 1968 (“the 1968 Act”) allows a local authority to charge for services provided to a carer under section 24 of the 2016 Act. The power to charge for those services is subject (among other things) to regulations made under section 87(5) of the 1968 Act which provide for the waiving of such payments in specified circumstances.

Regulation 2 of these Regulations requires a local authority to waive charges for services provided to carers under section 24 of the 2016 Act and revokes regulation 3 of the principal Regulations.

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