



Disabled Persons (Services, Consultation and Representation) Act 1986

1986 CHAPTER 33

PART I

REPRESENTATION AND ASSESSMENT

8 Duty of local authority [^{F1}in ^{F2}... Scotland] to take into account abilities of carer.

(1) Where—

- (a) a disabled person is living at home and receiving a substantial amount of care on a regular basis from another person (who is not a person employed to provide such care by any body in the exercise of its functions under any enactment), and
- (b) it falls to a local authority [^{F3}in ^{F4}... Scotland] to decide whether the disabled person's needs call for the provision by them of any services for him under any of the welfare enactments,

the local authority shall, in deciding that question, have regard to the ability of that other person to continue to provide such care on a regular basis.

(2) Where that other person is unable to communicate, or (as the case may be) be communicated with, orally or in writing (or in each of those ways) by reason of any mental or physical incapacity, the local authority shall provide such services as, in their opinion, are necessary to ensure that any such incapacity does not prevent the authority from being properly informed as to the ability of that person to continue to provide care as mentioned in subsection (1).

(3) Section 3(7) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 3(6), but as if any reference to the disabled person or his authorised representative were a reference to the person mentioned in subsection (2).

Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Services, Consultation and Representation) Act 1986, Section 8. (See end of Document for details)

Textual Amendments

- F1** Words in s. 8 heading inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 40(2)** (with arts. 1(3), 3)
- F2** Words in s. 8 heading omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **50(b)**
- F3** Words in s. 8(1)(b) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 40(1)** (with arts. 1(3), 3)
- F4** Words in s. 8(1)(b) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **50(a)**

Modifications etc. (not altering text)

- C1** S. 8 restricted (E.W.) (1.4.1996) by 1995 c. 12, **ss. 1(5)**, 5(2)
S. 8 excluded (S.) (1.4.1996) by 1968 c. 49, **s. 12A(3A)-(3C)** (as inserted (1.4.1996) by 1995 c. 12, **ss. 2(2)**, 5(2))
S. 8 restricted (S.) (1.4.1997) by 1995 c. 36, **s. 24(3)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

Commencement Information

- I1** S. 8(2)(3) not yet in force at basedate

Changes to legislation:

There are currently no known outstanding effects for the Disabled Persons (Services, Consultation and Representation) Act 1986, Section 8.