

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 138**

**SOCIAL CARE**

**The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2009**

*Made* - - - - *31st March 2009*

*Coming into force* - - *1st April 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1(2)(a), 2 and 23(4) of the Community Care and Health (Scotland) Act 2002<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 23(3)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2009 and come into force on the day after the day on which they are made.

**Amendment of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002**

2.—(1) The Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002<sup>(2)</sup> are amended in accordance with paragraph (2).

(2) In regulation 2 (accommodation provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003)—

- (a) in paragraph (a), for “£149” substitute “£153”; and
- (b) in paragraph (b) for “£67” substitute “£69”.

---

(1) 2002 asp 5.  
(2) S.S.I. 2002/303 as amended by S.S.I. 2005/445 and 2008/78.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

St Andrew's House,  
Edinburgh  
31st March 2009

*S ROBISON*  
Authorised to sign by the Scottish Ministers

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 1(1) of the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”) provides that local authorities are not to charge for certain types of social care provided or secured by them. Regulation 2 of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 (“the principal Regulations”) qualifies that by modifying, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 (c. 49) or section 25 of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#).

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

In respect of personal care, personal support and care of a kind mentioned in schedule 1 to the 2002 Act, the first £153 is not to be charged for (up from £149). Regulation 3 of the principal Regulations provides that the requirement not to charge for these types of care is only in respect of persons aged 65 or over.

In respect of nursing care, the first £69 is not to be charged for (up from £67).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.