SCOTTISH STATUTORY INSTRUMENTS

2005 No. 114

SOCIAL WORK

The Community Care (Direct Payments) (Scotland) Amendment Regulations 2005

Made - - - -	*2nd March 2005*
Laid before the Scottish Parliament - - - -	*3rd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 12B(1)(b) and 90(3) of the Social Work (Scotland) Act 1968(**1**) and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Care (Direct Payments) (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

Amendment of the Community Care (Direct Payments) (Scotland) Regulations 2003

2. For paragraph (a) of regulation 2 (description of persons specified for the purposes of section 12B(1) of the Social Work (Scotland) Act 1968) of the Community Care (Direct Payments) (Scotland) Regulations 2003(**2**) substitute–

"(a) subject to paragraph (aa) below, a person who does not fall within either paragraph (a) of the definition of 'persons in need' in section 94(1) of the Act (persons in need of care and attention arising out of infirmity, youth or age) or paragraph (b) of the definition of 'persons in need' in section 94(1) of the Act (persons suffering from illness or mental disorder or substantially handicapped by any deformity or disability);

(aa) a person who falls within paragraph (a) of the definition of 'persons in need' in section 94(1) of the Act and is aged less than 65;".

(**1**) 1968 c. 49. Section 12B was inserted by the Community Care (Direct Payments) Act 1996 (c. 30), section 4 and was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), section 70 and by the Community Care and Health (Scotland) Act 2002 (asp 5), section 7 and Schedule 2, paragraph 1. See section 90(1) for the meaning of 'regulations'. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.S.I. 2003/243.