SCOTTISH STATUTORY INSTRUMENTS

2002 No. 304

SOCIAL CARE

The Community Care (Assessment of Needs) (Scotland) Regulations 2002

Made - - - -	*20th June 2002*
Coming into force - -	*1st July 2002*

The Scottish Ministers, in exercise of the power conferred by section 1(7) of the Community Care and Health (Scotland) Act 2002(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 23(3)(a) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Care (Assessment of Needs) (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

(2) In these Regulations, except where the context otherwise requires–

"the 1968 Act" means the Social Work (Scotland) Act 1968(**2**);

"the Act" means the Community Care and Health (Scotland) Act 2002;

"care" means care of a kind mentioned in paragraphs (a) to (d) of section 1(1) of the Act;

"care home service" has the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001(**3**);

"relevant person" means a person mentioned in section 12A(1) of the 1968 Act who–

(i) is in receipt of a care home service, provided or secured otherwise than by a local authority, including the provision of care and who was in receipt of that service immediately before 1st April 2002,

(ii) has made a request (or on whose behalf a request has been made) before 1st July 2003 to the local authority for it to provide or secure provision of care to them, and

(iii) in the case of a person in receipt of care which consists only of care of a kind mentioned in paragraphs (a), (b) or (c) of section 1(1) of the Act, is aged 65 or over.

(**1**) 2002 asp 5.
(**2**) 1968 c. 49.
(**3**) 2001 asp 8