SCOTTISH STATUTORY INSTRUMENTS

2002 No. 76

SOCIAL CARE

The Preserved Rights (Transfer to Responsible Authorities) (Scotland) Regulations 2002

Made - - - -	*27th February 2002*
Laid before the Scottish Parliament - - - -	*4th March 2002*
Coming into force - -	*8th April 2002*

The Scottish Ministers, in exercise of the powers conferred by section 50(7), (8) and (9) of the Health and Social Care Act 2001(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Preserved Rights (Transfer to Responsible Authorities) (Scotland) Regulations 2002 and shall come into force on 8th April 2002.

(2) In these Regulations, unless the context otherwise requires, any reference to a section is to a section of the Health and Social Care Act 2001.

(3) These Regulations extend to Scotland only.

Disapplication of duties of a responsible authority under section 50(3) to (7)

2. For the purposes of section 50(8), section 50(3) to (7) (duties of responsible authorities to persons having preserved rights) shall not apply to any person who, in respect of the day immediately before the appointed day–

(a) is not entitled to income support under section 124(1) of the Social Security Contributions and Benefits Act 1992(**2**) or is so entitled but does not have a preserved right for the purposes of regulation 19 of the Income Support (General) Regulations 1987(**3**), or

(b) is being provided with after-care services in accordance with section 7 of the Mental Health (Scotland) Act 1984(**4**).

(**1**) 2001 c. 15; see section 50(10) for definition of "prescribed".
(**2**) 1992 c. 4.
(**3**) S.I.1987/1967. Regulation 19 was amended by S.I. 1988/663, 1445 and 2022, 1989/1678, 1991/1033, 1992/3147, 1993/2119, 1994/527 and 2139 and 1996/206 and 462.
(**4**) 1984 c. 36.