



The Scottish Parliament
Pàrlamaid na h-Alba

Published 20 February 2019
SP Paper 472
4th Report, 2019 (Session 5)

Health and Sport Committee
Comataidh Slàinte is Spòrs

**The Community Care (Personal Care
and Nursing Care) (Scotland)
Amendment Regulations 2019 [draft]**



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft]	1
--	----------

Health and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/health-committee.aspx>



healthandsport@parliament.scot



0131 348 5524

Committee Membership



Convener
Lewis Macdonald
Scottish Labour



Deputy Convener
Emma Harper
Scottish National Party



George Adam
Scottish National Party



Miles Briggs
Scottish Conservative
and Unionist Party



Alex Cole-Hamilton
Scottish Liberal
Democrats



David Stewart
Scottish Labour



David Torrance
Scottish National Party



Sandra White
Scottish National Party



Brian Whittle
Scottish Conservative
and Unionist Party

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft]

1. The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations [draft] was laid before the Scottish Parliament 24 January 2019 and referred to the Health and Sport Committee
2. The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations [draft] is subject to affirmative procedure (Rule 10.6). It is for the Health and Sport Committee to recommend to Parliament whether the Regulations should be approved.
3. These Regulations are made under the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”) which, together with the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 (“the principal Regulations”), provides that local authorities are not to charge for certain types of social care provided or secured by them. Regulation 2 of the principal Regulations modifies, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003
4. 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)
5. In respect of personal care, personal support and care of a kind mentioned in schedule 1 of the 2002 Act, the first £177 is not to be charged for (up from £174). For these purposes, “personal care” and “personal support” have the same meaning as in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010.
6. In respect of nursing care, the first £80 is not to be charged for (up from £79)
7. No Business and Regulatory Impact Assessment has been prepared in respect of these Regulations on the basis that there is no foreseeable impact on business, charities or voluntary bodies.
8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 5 February 2019. The Committee determined that it did not need to draw the attention of the Parliament to this instrument on any grounds within its remit.

[Delegated Powers and Law Reform Committee, 8th report, 2019 \(Session 5\)](#)

9. At the Health and Sport Committee’s fifth meeting on 19 February 2019, the Committee took evidence on the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft] from –
 - Jeane Freeman, Cabinet Secretary for Health and Sport;

- Mike Liddle, Adult Social Care Policy, Scottish Government; and
- Anne Mathie, Solicitor, Legal Directorate, Scottish Government.

10. Motion S5M-15752 was lodged by Jeane Freeman, Cabinet Secretary for Health and Sport and supported by Clare Haughey, Minister for Mental Health and Joe FitzPatrick, Minister for Public Health, Sport and Wellbeing. Following the evidence session, Jeane Freeman moved motion S5M-15752

That the Health and Sport Committee recommends the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft] be approved.

The motion was agreed to without division.

11. The evidence taken and the debate held can be found in the Official Report for 19 February 2019.

12. The Health and Sport Committee recommends the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft] be approved.

