

Changes to legislation: Community Care and Health (Scotland) Act 2002 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

(introduced by section 1(1)(e))

SOCIAL CARE NOT ORDINARILY CHARGED FOR

- 1 As regards the personal hygiene of the person cared for—
- (a) shaving;
 - (b) cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;
 - (c) providing assistance in rinsing the mouth;
 - (d) keeping finger nails and toe nails trimmed;
 - (e) assisting the person with going to the toilet or with using a bedpan or other receptacle;
 - (f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;
 - (g) where the person is incontinent—
 - (i) the consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing; and
 - (ii) caring for the person's skin to ensure that it is not adversely affected.
- [^{F1}2 As regards eating requirements, the preparation of, or the provision of any assistance with the preparation of, the person's food including (without prejudice to that generality)—
- (a) defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
 - (b) cooking, heating or re-heating pre-prepared fresh or frozen food;
 - (c) portioning or serving food;
 - (d) cutting up, pureeing or otherwise processing food to assist with eating it;
 - (e) advising on food preparation; and
 - (f) assisting in the fulfilment of special dietary needs,
- but not the supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for, the person, or the preparation of food prior to the point of supply to the person.]

Textual Amendments

- F1** Sch. 1 para. 2 substituted (1.4.2009) by Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009 (S.S.I. 2009/137), arts. 1, 2

- 3 If the person is immobile or substantially immobile, dealing with the problems of that immobility.
- 4 If the person requires medical treatment, assisting with medication, as for example by—
- (a) applying creams or lotions;
 - (b) administering eye drops;
 - (c) applying dressings in cases where this can be done without the physical involvement of a registered nurse or of a medical practitioner;
 - (d) assisting with the administration of oxygen as part of a course of therapy.

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- 5 With regard to the person’s general well-being—
- (a) assisting with getting dressed;
 - (b) assisting with surgical appliances, prosthesis and mechanical and manual equipment;
 - (c) assisting with getting up and with going to bed;
 - (d) the provision of devices to help memory and of safety devices;
 - (e) behaviour management and psychological support.

SCHEDULE 2

(introduced by section 25)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Social Work (Scotland) Act 1968 (c.49)

- 1 (1) The 1968 Act is amended as follows.
- F²(2)
- F³(3)
- (4) In section 13A(2) (residential accommodation with nursing), the word “The”, where it first occurs, is repealed.
- (5) In section 94(1) (interpretation), in paragraph (c) of the definition of “prescribed”, after the word “sections” there is inserted “ 12(3A), ”.

Textual Amendments

- F2** Sch. 2 para. 1(2) repealed (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential and Saving Provisions\) Order 2014 \(S.S.I. 2014/90\)](#), art. 1, **sch. Pt. 1** (with art. 3)
- F3** Sch. 2 para. 1(3) repealed (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential and Saving Provisions\) Order 2014 \(S.S.I. 2014/90\)](#), art. 1, **sch. Pt. 1** (with art. 3)

Commencement Information

- I1** Sch. 2 para. 1 wholly in force at 1.6.2003; Sch. 2 para. 1 not in force at Royal Assent see s. 27(2); Sch. 2 para. 1(1)(4) in force at 1.4.2002 by [S.S.I. 2002/170](#), **art. 2(1)**; Sch. 2 para. 1(5) in force at 1.7.2002 by [S.S.I. 2002/170](#), **art. 2(3)**; Sch. 2 para. 1(2)(3) in force at 1.6.2003 by [S.S.I. 2002/170](#), **art. 2(5)**

National Health Service (Scotland) Act 1978 (c.29)

- 2 (1) The 1978 Act is amended as follows.
- (2) In section 16A (payments by Health Boards towards expenditure of others on community services), after subsection (4) there is added—
- “(5) This section is without prejudice to section 13 of the Community Care and Health (Scotland) Act 2002 (asp 5) (payments by NHS bodies towards certain local authority expenditure).”.

F⁴(3)

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- (4) In section 29 (the NHS Tribunal)—
- ^{F5}(a)
 - (b) in subsection (8)—
 - ^{F6}(i)
 - ^{F7}(ii)
 - (iii) for the words “this Part” there is substituted “ or by virtue of this Part or Part I of this Act ”.
- (5) In section 29A (the NHS Tribunal: supplementary)—
- (a) in subsection (3)—
 - (i) in paragraph (a), after the word “providing” there is inserted “ , or as the case may be performing, ”; and
 - (ii) in paragraph (b), after the word “provision” there is inserted “ , or performance, ”; and
 - ^{F8}(b)
- (6) In section 29B (powers of NHS Tribunal)—
- ^{F9}(a)
 - ^{F10}(b)
 - ^{F11}(c)
- ^{F12}(7)
- ^{F12}(8)
- (9) In section 32A (applications for interim suspension)—
- (a) in subsection (2A)(a), after the word “Part” there is inserted “ , section 17C arrangements or a pilot scheme ”;
 - ^{F13}(b)
 - ^{F14}(c)
- (10) In section 32B—
- (a) in subsection (2)—
 - (i) in paragraph (a), for the words “direction under section 29(3)(b)” there is substituted “ national disqualification ”; and
 - (ii) in paragraph (b), for the words “that direction” there is substituted “ the disqualification ”; and
 - ^{F15}(b)
- ^{F16}(11)
- (12) In section 108(1) (interpretation), at the appropriate places there are inserted—
- ^{F17}“ ... ”;
 - ““pilot scheme” has the meaning given by section 1 of the National Health Service (Primary Care) Act 1997 (c.46);”;
 - ““services list” has the meaning indicated in section 17EA(2);”;
 - ““supplementary list” has the meaning indicated in section 24B(2);”.

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- (13) In paragraph 17 of Schedule 7A, at the beginning there is inserted “Subject to the provisions of any regulations made under section 15(4)(c) of the Community Care and Health (Scotland) Act 2002 (asp 5),”.

Textual Amendments

- F4** Sch. 2 para. 2(3) repealed (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), s. 9(1), [Sch. para. 3\(3\)\(a\)](#); S.S.I. 2004/58, art. 2(3)
- F5** Sch. 2 para. 2(4)(a) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F6** Sch. 2 para. 2(4)(b)(i) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F7** Sch. 2 para. 2(4)(b)(ii) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F8** Sch. 2 para. 2(5)(b) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F9** Sch. 2 para. 2(6)(a) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F10** Sch. 2 para. 2(6)(b) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F11** Sch. 2 para. 2(6)(c) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [sch. 3](#); S.S.I. 2006/121, art. 3(b), sch. 2
- F12** Sch. 2 para. 2(7)(8) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [sch. 3](#); S.S.I. 2006/121, art. 3(b), sch. 2
- F13** Sch. 2 para. 2(9)(b) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [sch. 3](#); S.S.I. 2006/121, art. 3(b), sch. 2
- F14** Sch. 2 para. 2(9)(c) omitted (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 1, [Sch. para. 6\(b\)](#)
- F15** Sch. 2 para. 2(10)(b) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [sch. 3](#); S.S.I. 2006/121, art. 3(b), sch. 2
- F16** Sch. 2 para. 2(11) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [sch. 3](#); S.S.I. 2006/121, art. 3(b), sch. 2
- F17** Words in Sch. 2 para. 2(12) repealed (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), s. 9(1), [sch. para. 3\(3\)\(b\)](#); S.S.I. 2004/58, art. 2(3)

Commencement Information

- I2** Sch. 2 para. 2(3)(12) in force at 28.2.2003 by S.S.I. 2003/62, [art. 2\(1\)\(c\)](#)
- I3** Sch. 2 para. 2(4)(a) in force at 4.3.2004 for specified purposes by S.S.I. 2004/33, [art. 2\(1\)\(d\)](#), [Sch.](#)
- I4** Sch. 2 para. 2(4)(a)(b)(iii)(6)(a)(6)(b)(8)(b)(i)(9)(c)(11)(b)(11)(c) in force at 1.4.2004 in so far as not already in force by S.S.I. 2004/33, [art. 2\(2\)\(b\)](#)
- I5** Sch. 2 para. 2(4)(b)(i)(5)(b)(7)(8)(a)(10)(11)(a) in force at 4.3.2004 by S.S.I. 2004/33, [art. 2\(1\)\(c\)](#)
- I6** Sch. 2 para. 2(4)(b)(i)(ii)(5)(6)(c)(8)(b)(ii)(9)(a)(9)(b)(11)(a) in force at 1.4.2004 by S.S.I. 2004/33, [art. 2\(2\)\(b\)](#)
- I7** Sch. 2 para. 2(4)(b)(iii) in force at 4.3.2004 for specified purposes by S.S.I. 2004/33, [art. 2\(1\)\(d\)](#), [Sch.](#)
- I8** Sch. 2 para. 2(6)(a) in force at 4.3.2004 for specified purposes by S.S.I. 2004/33, [art. 2\(1\)\(d\)](#), [Sch.](#)
- I9** Sch. 2 para. 2(6)(b) in force at 4.3.2004 for specified purposes by S.S.I. 2004/33, [art. 2\(1\)\(d\)](#), [Sch.](#)
- I10** Sch. 2 para. 2(9)(c) in force at 4.3.2004 for specified purposes by S.S.I. 2004/33, [art. 2\(1\)\(d\)](#), [Sch.](#)

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National Health Service (Primary Care) Act 1997 (c.46)

- 3 In Schedule 2 to the National Health Service (Primary Care) Act 1997 (amendments of enactments), paragraph 57, in so far as providing for a definition of the expression “medical list”, is repealed.

Commencement Information

I11 Sch. 2 para. 3 in force at 28.2.2003 by S.S.I. 2003/62, art. 2(1)(c)

PROSPECTIVE

Health Act 1999 (c.8)

- 4 In Schedule 4 to the Health Act 1999 (amendments of enactments), paragraph 52(b) is repealed.

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Changes and effects yet to be applied to :

- s. 5 title substituted by [2014 c. 23 Sch. 1 para. 10\(2\)](#)
- s. 5(1) words inserted by [2014 c. 23 Sch. 1 para. 10\(2\)](#)
- s. 22(1) words repealed by [2004 asp 7 sch. 2](#)