



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 4

GENERAL

22 Interpretation

(1) In this Act—

“the 1948 Act” means the National Assistance Act 1948 (c.29);

“the 1968 Act” means the Social Work (Scotland) Act 1968 (c.49);

“the 1978 Act” means the National Health Service (Scotland) Act 1978 (c.29);

^{F1}
...

“the 1995 Act” means the Children (Scotland) Act 1995 (c.36);

[^{F2}“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);]

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);

“NHS body” means—

(a) a Health Board, constituted by order made under section 2(1)(a) of the 1978 Act;

(b) a Special Health Board, constituted by order made under section 2(1) (b) of that Act;

(c) a National Health Service trust, established by order made under section 12A(1) of that Act; ^{F3}...

(d) the Common Services Agency, constituted by section 10(1) of that Act; [^{F4}or

(e) Healthcare Improvement Scotland, established by section 10A(1) of that Act;]

“prescribed” means prescribed by regulations made by the Scottish Ministers; and

“social care” means, subject to subsection (2) below, a service provided—

(a) under the 1968 Act; or

Changes to legislation: Community Care and Health (Scotland) Act 2002, Section 22 is up to date with all changes known to be in force on or before 26 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

- (b) [^{F5}under section 25 (care and support services for persons who have or have had a mental disorder), 26 (services designed to promote well-being and social development of such persons) or 27 (assistance with travel in connection with such services) of the 2003 Act]

to an individual by a local authority or a service the provision of which to an individual, under the 1968 Act or [^{F6}any] of those sections, is secured by a local authority.

- (2) In this Act, “social care” does not include a service which (or so much of a service as) consists of the provision of accommodation; but in the definition of the expression in subsection (1) above, the references to a service being provided are to the provision of any other form of assistance (including, without prejudice to that generality, the provision of advice, guidance or a material thing).

Textual Amendments

- F1** Words in s. 22(1) repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), **ss. 28(2)(b)(i)**, 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
- F2** Words in s. 22(1) inserted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), **ss. 28(2)(b)(ii)**, 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
- F3** Word in s. 22(1) omitted (1.4.2011) by virtue of [The Public Services Reform \(Scotland\) Act 2010](#) (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 2 para. 6(a)**
- F4** Words in s. 22(1) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010](#) (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 2 para. 6(b)**
- F5** Words in s. 22(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), **ss. 28(2)(b)(iii)**, 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
- F6** Word in s. 22(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), **ss. 28(2)(b)(iv)**, 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

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Changes and effects yet to be applied to :

- s. 22(1) words repealed by [2004 asp 7 sch. 2](#)