



# Community Care and Health (Scotland) Act 2002

2002 asp 5

## PART 1

### COMMUNITY CARE

#### *Accommodation*

#### **4 Accommodation more expensive than usually provided**

- (1) The Scottish Ministers may by regulations make provision, in relation to accommodation provided under the 1968 Act or under [F1section 25 of the 2003 Act (provision of care and support services for persons who have or have had a mental disorder) ], for and in connection with the making of additional payments—
- (a) by persons for whom the accommodation is provided (in this section referred to as “residents”); or
  - (b) by other persons, F2....
- (2) In subsection (1) above “additional payments”, in relation to a resident, means payments which—
- (a) are made for the purpose of meeting all or part of the difference between the actual cost of the accommodation and the amount that the local authority providing it would usually expect to pay in order to provide accommodation suitable for a person with the assessed needs of the resident; and
  - (b) if they are made by the resident, are made out of such of that person’s resources as are specified in, or determined in accordance with, the regulations in question.
- (3) Such regulations are, for the purposes of subsection (2) above, to define the expression “resources”.

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**Changes to legislation:** There are currently no known outstanding effects for the Community Care and Health (Scotland) Act 2002, Section 4. (See end of Document for details)

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### Textual Amendments

- F1** Words in s. 4(1) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 4 para. 12\(2\)](#); 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- F2** Words in s. 4(1)(b) repealed (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), [ss. 62\(3\)](#), 79(3); S.S.I. 2007/334, art. 2(b), sch. 2

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