



Carers (Scotland) Act 2016

2016 asp 9

PART 8

FINAL PROVISIONS

41 Interpretation

(1) In this Act—

- “1968 Act” means the Social Work (Scotland) Act 1968,
- “1995 Act” means the Children (Scotland) Act 1995,
- “2014 Act” means the Children and Young People (Scotland) Act 2014,
- “adult carer” has the meaning given by section 3,
- “adult carer support plan” has the meaning given by section 6,
- “carer” has the meaning given by section 1,
- “directing authority” has the meaning given by section 45 of the 2014 Act,
- “grant-aided school” has the meaning given by section 20(5),
- “health board” (except in section 28) means a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
- “identified needs”, in relation to a carer, has the meaning given by section 5(2),
- “identified personal outcomes”, in relation to a carer, has the meaning given by section 5(1),
- “independent school” has the meaning given by section 20(5),
- “local eligibility criteria” has the meaning given by section 21(2),
- “named person”, in relation to a young carer, has the meaning given by section 32 of the 2014 Act,
- “national eligibility criteria” has the meaning given by section 23(2),
- “personal outcomes” has the meaning given by section 4,
- “public school” has the meaning given by section 20(5),
- “relevant authority” has the meaning given by section 1(4),
- “relevant carers” has the meaning given by section 31(5),
- “responsible authority”, for the purposes of Chapter 2 of Part 2 (young carer statements), has the meaning given by sections 19 and 20,

Changes to legislation: There are currently no known outstanding effects for the Carers (Scotland) Act 2016, PART 8. (See end of Document for details)

“responsible local authority”, in relation to a carer, means the local authority for the area in which the cared-for person resides,

“terminally ill”, in relation to a cared-for person, has the meaning given by section 7(2),

“young carer” has the meaning given by section 2,

“young carer statement” has the meaning given by section 12.

- (2) In this Act references to the provision of support by a responsible local authority include references to support the provision of which is secured by the authority.

42 Regulations

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make—

- (a) different provision for different purposes,
- (b) incidental, supplementary, consequential, transitional, transitory or saving provision.

- (2) Regulations under—

- (a) section 1(3),
- (b) section 7(1),
- (c) section 8(1),
- (d) section 13,
- (e) section 14(1),
- (f) section 21(4),
- (g) section 23(1),
- (h) section 25(2),
- (i) section 43(1) which add to, replace or omit the text of an Act,

are subject to the affirmative procedure.

- (3) All other regulations under this Act are subject to the negative procedure.
(4) This section does not apply to regulations under section 45.

43 Ancillary provision

- (1) The Scottish Ministers may by regulations make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, any provision made by or under this Act.

- (2) Regulations under subsection (1) may modify any enactment (including this Act).

44 Consequential modifications

The schedule contains modifications consequential on the provisions of this Act.

Commencement Information

- II** S. 44 in force at 24.4.2017 for specified purposes by S.S.I. 2017/94, reg. 2(a)

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I2 [S. 44](#) in force at 1.4.2018 in so far as not already in force by [S.S.I. 2017/152, reg. 4](#)

45 Commencement

- (1) This section and sections 41 to 43 and 46 come into force on the day after Royal Assent.
- (2) The remaining provisions of this Act come into force on such date as the Scottish Ministers may by regulations appoint.
- (3) Different days may be appointed for different purposes.
- (4) Regulations under subsection (2) may include transitional, transitory or saving provision.

46 Short title

The short title of this Act is the Carers (Scotland) Act 2016.

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