

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

SCHEDULE
(introduced by section 44)
CONSEQUENTIAL MODIFICATIONS

Social Work (Scotland) Act 1968

- 1 (1) The Social Work (Scotland) Act 1968 is amended as follows.
(2) Sections 12AA and 12AB are repealed.

Commencement Information

I1 [Sch. para. 1](#) in force at 1.4.2018 by [S.S.I. 2017/152](#), [reg. 4](#)

Children (Scotland) Act 1995

- 2 (1) The Children (Scotland) Act 1995 is amended as follows.
(2) Sections 24 and 24A are repealed.

Commencement Information

I2 [Sch. para. 2](#) in force at 1.4.2018 by [S.S.I. 2017/152](#), [reg. 4](#)

Community Care and Health (Scotland) Act 2002

- 3 (1) The Community Care and Health (Scotland) Act 2002 is amended as follows.
(2) Section 9(2) is repealed.
(3) Sections 11 and 12 are repealed.

Commencement Information

I3 [Sch. para. 3](#) in force at 1.4.2018 by [S.S.I. 2017/152](#), [reg. 4](#)

Public Services Reform (Scotland) Act 2010

- 4 In schedule 13 of the Public Services Reform (Scotland) Act 2010, after the entry relating to the Adoption and Children (Scotland) Act 2007, insert— “ Carers (Scotland) Act 2016 ”.

Commencement Information

I4 [Sch. para. 4](#) in force at 1.4.2018 by [S.S.I. 2017/152](#), [reg. 4](#)

Social Care (Self-directed Support) (Scotland) Act 2013

- 5 (1) The Social Care (Self-directed Support) (Scotland) Act 2013 is amended as follows.
(2) In section 1 (general principles)—

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- (a) in subsection (1)(b), for “to 24” substitute “ and 23 ”,
- (b) in subsection (6)(a)—
 - (i) for “or, as the case may be, section 12AA of that Act or section 23(3) or 24” substitute “ , section 23(3) ”,
 - (ii) after “1995 Act” insert “ or by virtue of section 8 or 14 of the Carers (Scotland) Act 2016, ”,
- (c) in subsection (6)(b), for “section 3(4)” substitute “ section 24 of the Carers (Scotland) Act 2016 ”.

(3) Section 3 (support for adult carers) is repealed.

(4) In section 7 (choice of options: adult carers)—

- (a) in subsection (1), for “(the “supported person”) under section 3(4)” substitute “ an adult carer or, as the case may be, a young carer under section 24(4) of the Carers (Scotland) Act 2016 ”,
- (b) after subsection (4) insert—
 - “(4A) Subsection (4B) applies where the supported person is an appropriate person in relation to the young carer.
 - (4B) Before making a choice in pursuance of subsection (2) or (3)(b), the supported person must, so far as practicable and taking account of the maturity of the young carer—
 - (a) give the young carer an opportunity to indicate whether the young carer wishes to express the young carer's views,
 - (b) if the young carer wishes to do so, give the young carer an opportunity to express them, and
 - (c) have regard to any views expressed by the young carer.”,
- (c) after subsection (6) insert—

“(7) In this section—

“the 1989 Act” means the Children Act 1989,

“the 1995 Order” means the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

“adult carer” has the meaning given by section 3 of the Carers (Scotland) Act 2016,

“appropriate person”, in relation to a young carer, means—

- (a) a parent or guardian having parental responsibilities or parental rights in relation to the young carer under Part 1 of the 1995 Act,
- (b) a person in whom parental responsibilities or parental rights are vested by virtue of section 11(2)(b) of the 1995 Act,
- (c) a person having parental responsibilities or parental rights by virtue of section 11(12) of the 1995 Act,
- (d) a parent having parental responsibility for the young carer under Part 1 of the 1989 Act,
- (e) a person having parental responsibility for the young carer by virtue of—
 - (i) section 12(2) of the 1989 Act,
 - (ii) section 14C of the 1989 Act, or

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- (iii) section 25(3) of the Adoption and Children Act 2002,
 - (f) a parent having parental responsibility for the young carer under Part 2 of the 1995 Order,
 - (g) a person having parental responsibility for the young carer under Article 12(2) of the 1995 Order,
 - (h) a person in whom parental responsibilities or parental rights are vested by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007),
- “supported person” means—
- (a) where the support is to be provided to an adult carer, the adult carer,
 - (b) where the support is to be provided to a young carer—
 - (i) if the young carer is under 16 years of age, an appropriate person,
 - (ii) if the young carer is 16 years of age or over, the young carer,
- “young carer” has the meaning given in section 2 of the Carers (Scotland) Act 2016.”
- (d) the title to that section becomes “ Choice of options: adult carers and young carers ”.
- (5) In section 10 (provision of information: children under 16)—
- (a) in subsection (1), for “section 8” substitute “ section 7 or 8 ”,
 - (b) in subsection (2)—
 - (i) before first “child” insert “ young carer or, as the case may be, ”,
 - (ii) before second “child” insert “ young carer or ”,
 - (c) in subsection (3), before “child” insert “ young carer or ”,
 - (d) in subsection (4), after “meaning” insert “—
 - (a) in relation to a young carer, as in section 7(7),
 - (b) in relation to a child.”.
- (6) In section 11(3) (local authority functions), after “1968 Act” insert “ , section 24 of the Carers (Scotland) Act 2016 ”.

Commencement Information

15 Sch. para. 5 in force at 1.4.2018 by S.S.I. 2017/152, reg. 4

Public Bodies (Joint Working) (Scotland) Act 2014

- 6 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is amended as follows.
- (2) In Part 1 of the schedule—
- (a) in the entry for the Social Work (Scotland) Act 1968, “12AA, 12AB,” is repealed,
 - (b) in the entry for the Children (Scotland) Act 1995, after “19” insert “to 23, 25”,

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- (c) after the entry relating to the Social Care (Self-directed Support) (Scotland) Act 2013, insert— “Sections 6, 12, 21, 24, 25, 31, 34 and 35 of the Carers (Scotland) Act 2016.”.

Commencement Information

- I6** Sch. para. 6(1)(2)(c) in force at 24.4.2017 by [S.S.I. 2017/94](#), **reg. 2(b)**
I7 Sch. para. 6(2)(a)(b) in force at 1.4.2018 by [S.S.I. 2017/152](#), **reg. 4**

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