
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 265

The Community Care (Additional Payments) (Scotland) Regulations 2002

Additional payments

2.—(1) A local authority shall, in the circumstances set out in paragraph (2) and unless prejudice is caused to any obligation of the authority to provide accommodation for any other person, provide or secure provision of relevant accommodation to a qualifying resident who has requested the authority to provide to, or secure provision for, the resident of that accommodation.

(2) The circumstances referred to in paragraph (1) are—

- (a) the resident has requested the local authority to provide to or secure provision for the resident of accommodation which does not consist only of care of a kind mentioned in section 1(1) of the Act (charging and not charging for social care);
- (b) the relevant accommodation requested by the resident is available;
- (c) where the relevant accommodation is to be secured, it will be secured on the local authority's usual terms and conditions (except as to price) for securing accommodation of that kind; and
- (d) that (either or both)—
 - (i) a third party agrees to make the additional payments,
 - (ii) a qualifying resident, to whom paragraph (3) applies, agrees to make the additional payments from that part or combination of parts of their resources as are referred to in regulation 3,

and each person who has made such an agreement can, in the opinion of the local authority, reasonably be expected to make the additional payments for the duration of the arrangements.

(3) This paragraph applies to a qualifying resident—

- (a) to whom paragraph 1A of Schedule 4 to the Assessment Regulations (the twelve week property disregard) applies;
- (b) who has entered into, or agreed to enter into, a deferred payment agreement with the local authority, as provided for in section 6 of the Act (deferred payment of accommodation costs), or
- (c) who, as a result of not being charged for social care in accordance with section 1(1) of the Act (charging and not charging for social care), is required to pay less for their accommodation than that person would have been required to pay had that section not applied to such care.