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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**SOCIAL CARE**

**The Community Care and Health (Scotland) Act 2002  
(Amendment to schedule 1) Order 2009**

*Made* - - - - 2009

*Coming into force* - - 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1(2)(b) of the Community Care and Health (Scotland) Act 2002<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 23(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009 and comes into force on the day after the day on which it is made.

**Amendments to schedule 1 to the Community Care and Health (Scotland) Act 2002**

2. In schedule 1 to the Community Care and Health (Scotland) Act 2002 (social care not ordinarily charged for), for paragraph 2 (as regards the person's eating requirements) substitute—

“2. As regards eating requirements, the preparation of, or the provision of any assistance with the preparation of, the person's food including (without prejudice to that generality)—

- (a) defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
- (b) cooking, heating or re-heating pre-prepared fresh or frozen food;
- (c) portioning or serving food;
- (d) cutting up, pureeing or otherwise processing food to assist with eating it;
- (e) advising on food preparation; and
- (f) assisting in the fulfilment of special dietary needs,

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(a) 2002 asp 5.

but not the supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for, the person, or the preparation of food prior to the point of supply to the person.”.

St Andrew's House,  
Edinburgh  
[ ] 2009

Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends schedule 1 to the Community Care and Health (Scotland) Act 2002 (“the Act”). Section 1(1)(c) of the Act provides that a local authority are not to charge for social care provided by them (or the provision of which is secured by them) where that care is of a kind for the time being mentioned in schedule 1 to the Act.

This Order substitutes paragraph 2 of schedule 1 to the Act, which relates to social care as regards eating requirements (article 2). The new provision specifies a number of activities relating to food preparation that are non-chargeable, as well as making more general provision, all of which is subject to certain specified exceptions.

No regulatory impact assessment has been prepared in respect of this Order.