Carers (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 39 Schedule
Sections 40 and 41 Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 28

Jamie Hepburn
25 In section 28, page 14, line 4, leave out <must> and insert <and relevant health board must jointly>

Jamie Hepburn
26 In section 28, page 14, line 5, leave out <prepared by a local authority>

Jamie Hepburn
27 In section 28, page 14, line 6, leave out <the authority’s>

Jamie Hepburn
28 In section 28, page 14, line 6, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn
29 In section 28, page 14, line 7, after second <provide> insert <to cared-for persons in the local authority’s area>

Jamie Hepburn
30 In section 28, page 14, line 8, leave out <the authority’s> and insert <an>

Jamie Hepburn
31 In section 28, page 14, line 8, leave out <carers in its area> and insert <relevant carers>

Jamie Hepburn
32 In section 28, page 14, line 9, after <to> insert <relevant>
In section 28, page 14, line 10, leave out <itself>

In section 28, page 14, line 12, leave out <local authority considers> and insert <authority and relevant health board consider>

In section 28, page 14, line 13, leave out <the authority’s> and insert <an>

In section 28, page 14, line 13, leave out <carers in its area> and insert <relevant carers>

In section 28, page 14, line 15, leave out <the authority’s>

In section 28, page 14, line 15, leave out <carers in its area> and insert <relevant carers>

In section 28, page 14, line 15, at end insert—

<( ) plans for—

(i) contributing towards preventing or delaying the development by relevant carers of needs for support,

(ii) reducing the needs for support of relevant carers,>

In section 28, page 14, line 15, at end insert—

<( ) plans for meeting the equality duty in making provision for relevant carers, including in assessing the needs of relevant carers who share a relevant protected characteristic,>

In section 28, page 14, leave out lines 16 and 17

In section 28, page 14, line 16, leave out <authority’s>

In section 28, page 14, line 18, leave out <considers> and insert <and relevant health board consider>
Jamie Hepburn

41 In section 28, page 14, line 21, leave out <its local carer strategy, a local authority must> and insert <a local carer strategy, the local authority and the relevant health board must jointly>.

Jamie Hepburn

42 In section 28, page 14, leave out line 23.

Rhoda Grant

84 In section 28, page 14, line 23, at end insert—

<( ) a relevant post-16 education body.>

Jamie Hepburn

43 In section 28, page 14, line 24, leave out <the local authority considers> and insert <they consider>.

Jamie Hepburn

44 In section 28, page 14, line 26, leave out <it considers> and insert <they consider>.

Jamie Hepburn

45 In section 28, page 14, line 26, after <involve> insert <relevant>.

Jamie Hepburn

46 In section 28, page 14, line 26, at end insert—

<(4A) In this section “relevant carers” means—

(a) carers who reside in the area of a local authority (whether or not they provide or intend to provide care for cared-for persons in that area), and

(b) carers who do not reside in the authority’s area but who provide or intend to provide care to cared-for persons in that area.>

Rhoda Grant

105 In section 28, page 14, line 27, after <Part> insert <—

“the equality duty” means the duty of a local authority and a health board to have, in the exercise of its functions, due regard to the needs mentioned in section 149(1) of the Equality Act 2010.>

Jamie Hepburn

47 In section 28, page 14, line 27, after <board”> insert <, in relation to a local authority.>

Rhoda Grant

85 In section 28, page 14, line 31, at end insert—
“relevant post-16 education body” means a body within the area of the local authority which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.

Rhoda Grant

106 In section 28, page 14, line 31, at end insert—

“relevant protected characteristic” is to be construed in accordance with section 149(7) of the Equality Act 2010.

Section 29

Jamie Hepburn

48 In section 29, page 14, line 33, leave out <its local carer strategy, a local authority> and insert <a local carer strategy, the local authority and the relevant health board>

Jamie Hepburn

49 In section 29, page 15, line 9, leave out <considers> and insert <and relevant health board consider>

Section 30

Jamie Hepburn

50 In section 30, page 15, line 11, leave out <must publish its> and insert <and relevant health board must jointly publish their>

Jamie Hepburn

51 In section 30, page 15, line 15, after <authority> insert <and relevant health board>

Jamie Hepburn

52 In section 30, page 15, line 16, leave out <review its> and insert <jointly review their>

Jamie Hepburn

53 In section 30, page 15, line 19, after <authority> insert <and relevant health board>

Jamie Hepburn

54 In section 30, page 15, line 20, leave out <its> and insert <their>

Jamie Hepburn

55 In section 30, page 15, line 22, leave out <its> and insert <their>

Jamie Hepburn

56 In section 30, page 15, line 23, after <authority> insert <and relevant health board>
In section 30, page 15, line 25, leave out <it does> and insert <they do>

Section 31

In section 31, page 15, line 33, after <maintain> insert <, or ensure the establishment and maintenance of,>

In section 31, page 15, line 34, leave out <carers in its area> and insert <relevant carers>

In section 31, page 15, line 36, at beginning insert <the carers’ charter, including>

In section 31, page 16, line 3, at end insert—
  <( ) emergency care planning and future care planning for carers.>

In section 31, page 16, line 3, at end insert—
  <( ) bereavement support for carers.>

In section 31, page 16, line 5, at end insert—
  <( ) In this section “relevant carers” has the meaning given by section 28(4A).>

After section 32

After section 32, insert—

<Carers’ charter

Carers’ charter

(1) The Scottish Ministers must prepare a carers’ charter.

(2) A carers’ charter is a document setting out the rights of carers as provided for—
  (a) in or under this Act,
  (b) under any other enactment.

(3) The Scottish Ministers may from time to time revise the charter prepared under subsection (1).

(4) The Scottish Ministers must—
(a) before preparing the charter under subsection (1) or revising it under subsection (3)—
   (i) consult such persons and bodies representative of carers as the Scottish Ministers consider appropriate,
   (ii) take such steps as they consider appropriate to involve carers,
(b) lay the charter or revised charter before the Scottish Parliament, and
(c) publish the charter or revised charter in such manner as they consider appropriate.>

Rhoda Grant
107 After section 32, insert—

<Register of carers

Register of carers
Each health board must make arrangements for—
(a) the development and maintenance of a register of carers in its area, and
(b) the offer and provision of an annual health check to each carer listed on the register.>

After section 33

Jamie Hepburn
62 After section 33, insert—

<Guidance and directions to health boards and directing authorities
(1) Each health board and each directing authority must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by this Act.
(2) The Scottish Ministers may issue directions to health boards and directing authorities, either individually or collectively, about the exercise of functions conferred by this Act.
(3) Each health board must comply with any direction issued to it under this section.
(4) Each directing authority must comply with any direction issued to it under this section.>

Section 36

Jamie Hepburn
63 In section 36, page 17, leave out lines 29 to 34 and insert <, in relation to a carer, means the local authority for the area in which the cared-for person resides,>

Jamie Hepburn
64 In section 36, page 17, line 34, at end insert—

<“terminally ill”, in relation to a cared-for person, has the meaning given by section (Adult carers of terminally ill cared-for persons)(2).>
Rhoda Grant
89 In section 36, page 17, line 38, at end insert—
<( ) In this Act a cared-for person is terminally ill at any time if at that time the person suffers from a progressive disease and death in consequence of that disease can reasonably be expected within 6 months.>

Section 37

Jamie Hepburn
65 In section 37, page 18, line 7, at end insert—
<( ) section 1(3),>

Jamie Hepburn
66 In section 37, page 18, line 7, at end insert—
<( ) section (Adult carers of terminally ill cared-for persons)(1),>

Jamie Hepburn
67 In section 37, page 18, line 8, at end insert—
<( ) section (Young carers of terminally ill cared-for persons),>

Rhoda Grant
90 In section 37, page 18, line 9, at end insert—
<( ) section (Procedure for referral)(1),>

Jamie Hepburn
68 In section 37, page 18, line 11, at end insert—
<( ) section 23(2),>

Rhoda Grant
91 In section 37, page 18, line 11, at end insert—
<( ) section (Eligibility for support: review)(3),>

Schedule

Jamie Hepburn
69 In the schedule, page 19, line 13, at end insert—
<Public Services Reform (Scotland) Act 2010>
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 2015”.

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