

ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 44-EN. A Policy Memorandum is printed separately as SP Bill 44-PM.

Autism (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about meeting the needs of persons with autistic spectrum conditions.

1 Autism strategy

- 5 (1) The Scottish Ministers must prepare and publish a document setting out a strategy for meeting the needs of persons in Scotland with autistic spectrum conditions by improving the provision of relevant services to such persons by local authorities and NHS bodies.
- (2) That document is referred to in this Act as “the autism strategy”.
- (3) The autism strategy must be published not later than 4 months after the day on which this Act comes into force.
- 10 (4) The Scottish Ministers—
- (a) must keep the autism strategy under review, and
 - (b) may revise it.
- (5) If the Scottish Ministers revise the autism strategy the Scottish Ministers must publish it as revised.
- 15 (6) The Scottish Ministers must consult and seek participation of appropriate stakeholders and such other persons as the Scottish Ministers consider appropriate—
- (a) in preparing the autism strategy, or
 - (b) in revising it in a way which would, in the opinion of the Scottish Ministers, result in a substantial change to the strategy.

20 2 Guidance by the Scottish Ministers

- (1) For the purpose of securing the implementation of the autism strategy, the Scottish Ministers must issue guidance to local authorities and NHS bodies about the exercise of their functions concerned with the provision of relevant services.
- 25 (2) Guidance must be issued under this section not later than 12 months after the day on which this Act comes into force.
- (3) The Scottish Ministers—
- (a) must keep the guidance under review, and

(b) may revise it.

(4) In keeping the guidance under review the Scottish Ministers must in particular consider the extent to which the guidance has been effective in securing the implementation of the autism strategy.

(5) Guidance issued under this section must in particular include guidance about—

(a) the provision of relevant services for the purpose of diagnosing autistic spectrum conditions,

(b) the identification of persons with such conditions,

(c) the assessment of the needs of persons with such conditions for relevant services,

(d) planning in relation to the provision of relevant services to persons with autistic spectrum conditions as they move from being children to adults,

(e) other planning in relation to the provision of relevant services to persons with autistic spectrum conditions,

(f) the training of staff who provide relevant services to persons with such conditions,

(g) local arrangements for leadership in relation to the provision of relevant services to persons with such conditions.

(6) The Scottish Minister must consult and seek the participation of appropriate stakeholders, local authorities and NHS bodies before—

(a) issuing guidance under this section, or

(b) revising it in a way which would, in the opinion of the Scottish Ministers, result in a substantial change to the guidance.

3 Local authorities and NHS bodies: duty to have regard to guidance

Local authorities and NHS bodies must, in exercising their functions concerned with the provision of relevant services, have regard to the guidance issued under section 2.

4 Interpretation

(1) In this Act—

“appropriate stakeholders” means—

(a) organisations representing persons with autistic spectrum conditions,

(b) organisations representing professionals delivering support to persons with such conditions,

(c) organisations involved in research relating to services for persons with such conditions,

(d) local authorities, and

(e) NHS bodies,

“adult” means a person who is aged 18 or over (and, accordingly, “child” means a person who is under the age of 18),

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

“NHS body” means—

- (a) a health board constituted by an order under section 2(1)(a) of the National Health Service (Scotland) Act 1978 (c. 29),
- (b) a special health board constituted by an order under section 2(1)(b) of that Act,
- (c) the Common Services Agency for the Scottish Health Service constituted under section 10(1) of that Act,

“relevant services”—

- (a) in relation to an NHS body, means health services provided for the purposes of the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978 (c. 29),
- (b) in relation to a local authority, means services provided by a local authority for the assessment, care and support of persons with autism.

- (2) In this Act references to the provision of services include references to arranging for the provision of services (and references to services provided are to be construed accordingly).

5 Short title and commencement

- (1) This Act may be cited as the Autism (Scotland) Act 2010.
- (2) This Act comes into force 2 months after Royal Assent.

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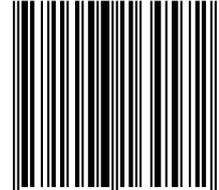
Introduced by: Hugh O'Donnell
On: 26 May 2010
Bill type: Member's Bill

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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR Donnelley.

ISBN 978-1-4061-6457-2



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