

Carers (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 39
Sections 40 and 41

Schedule
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>

Jamie Hepburn

33 In section 28, page 14, line 10, leave out <itself>

Jamie Hepburn

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

Jamie Hepburn

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

Jamie Hepburn

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

Jamie Hepburn

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

Jamie Hepburn

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

Rhoda Grant

82 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,>

Rhoda Grant

104 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,>

Rhoda Grant

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

Jamie Hepburn

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

Jamie Hepburn

40 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>

Jamie Hepburn

- 57 In section 30, page 15, line 25, leave out <it does> and insert <they do>

Section 31

Jamie Hepburn

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

Jamie Hepburn

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

Rhoda Grant

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

Jamie Hepburn

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

Rhoda Grant

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

Jamie Hepburn

- 61 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

Rhoda Grant

- 88 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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