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*Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Paragraph 23. (See end of Document for details)*

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### SCHEDULE 3 MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Adults with Incapacity (Scotland) Act 2000 (asp 4)*

- 23 (1) The Adults with Incapacity (Scotland) Act 2000 is amended as follows.
- (2) In section 35 (application of Part 4)—
- (a) in subsection (1), for paragraphs (a) to (g) there is substituted—
- “(a) a health service hospital;  
(b) an independent hospital or private psychiatric hospital;  
(c) a State hospital;  
(d) a care home service; and  
(e) a limited registration service.”;
- (b) in subsection (2), for the words “(ca), (cb), (d) or (f)” there is substituted “(d) or (e)”;
- (c) in subsection (3)(b), for the words “for registration of an” there is substituted “, under section 7(1) of the Regulation of Care (Scotland) Act 2001 (asp 8), for registration of the service which comprises that”;
- (d) at the end there is added—
- “(6) Expressions used in subsection (1) and in the Regulation of Care (Scotland) Act 2001 have the same meanings in that subsection as in that Act.”.
- (3) In section 40 (supervisory bodies)—
- (a) in subsection (1), for the words from the beginning of the subsection to the end of paragraph (c) there is substituted—
- “(1) The supervisory body for the purposes of this Part is, in relation to—
- (a) a registered establishment, the Scottish Commission for the Regulation of Care; and  
(b) an unregistered establishment, the Health Board for the area in which the establishment is situated;”;
- (b) in each of subsections (2) and (3), for the word “A” there is substituted “The”;
- (c) in subsection (4), for the words from “by regulations” to the end there is substituted “, as respects any authorised establishment, amend subsection (1) by substituting for the supervisory body allotted to that establishment a different supervisory body.”.
- (4) In section 45 (appeal, revocation etc.)—
- (a) for the word “a” where it first occurs there is substituted “the”;
- (b) for paragraphs (a) and (b) there is substituted “that power to manage”;
- (c) subsection (2) is repealed;
- (d) in subsection (3), the words “registration or” are repealed; and
- (e) in subsection (6), for the word “a” there is substituted “the”.
- (5) In section 84 (applications to guardians appointed under Criminal Procedure (Scotland) Act 1995 (c.46)), in subsection (1)(b) of the section prospectively inserted by subsection (2), for the words “60A” there is substituted “60B”.

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(6) In schedule 1 (managers of an establishment), for paragraphs (d) to (g) there is substituted—

- “(d) in relation to a care service or limited registration service—
- (i) the person identified under section 7(2)(b) of the Regulation of Care (Scotland) Act 2001 (asp 8) in the application for registration of the service;
  - (ii) if the application is made under section 33(1) of that Act, the local authority or any person appointed by the local authority to manage the service; or
  - (iii) if another person has been identified in pursuance of regulations under section 29(7)(j) of that Act, the other person so identified,
- and in paragraph (d) above “care service” and “limited registration service” have the same meanings as in the Regulation of Care (Scotland) Act 2001.”.

(7) In schedule 5 (minor and consequential amendments), in paragraph 26(3)—

- (a) for the word “60” there is substituted “ 60A ”;
- (b) for the words “60A” there is substituted “ 60B ”; and
- (c) after the words “intervention order” there is inserted “ (as defined in section 53(1) of the Adults with Incapacity (Scotland) Act 2000 (asp 4) ”.

#### **Commencement Information**

- II** Sch. 3 para. 23 wholly in force at 1.4.2002; Sch. 3 para. 23 not in force at Royal Assent see s. 81(2); Sch. 3 para. 23(7) in force at 1.10.2001 by [S.I. 2001/304](#), [art. 2\(1\)\(d\)](#); Sch. 3 para. 23(1)-(6) in force at 1.4.2002 by [S.S.I. 2002/162](#), [art. 2\(h\)](#)

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