

SCHEDULE 1

MODIFICATIONS RELATING TO SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

Council Tax (Exempt Dwellings) (Scotland) Order 1997

22. In paragraph 25(4) of Schedule 1 to the Council Tax (Exempt Dwellings) (Scotland) Order 1997⁽¹⁾ (prescribed housing support services accommodation), for the definition of “registered” substitute—

““registered” means that Social Care and Social Work Improvement Scotland has granted an application for registration of a prescribed housing support service under section 60 of the Public Services Reform (Scotland) Act 2010 (grant or refusal of registration).”.

Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000

23. In article 2(2)(a) of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000⁽²⁾ (interpretation), for “the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001

24. In the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001⁽³⁾—

(a) in regulation 1(2) (interpretation)—

(i) the definition of “the Commission” is revoked;

(ii) omit the “and” immediately following the definition of “public body”; and

(iii) after the definition of “public body” insert—

““SCSWIS” means Social Care and Social Work Improvement Scotland, established by section 44 of the Public Services Reform (Scotland) Act 2010; and”;

(b) in regulation 2(3) (appointments)—

(i) for “convenor” substitute “chair”; and

(ii) for “the Commission” substitute “SCSWIS”.

Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

25. In the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002⁽⁴⁾—

(1) S.I. 1997/728; which was relevantly amended by S.S.I. 2007/215.

(2) S.S.I. 2000/177; which was relevantly amended by S.I. 2002/161.

(3) S.S.I. 2001/303.

(4) S.I. 2002/62.

- (a) in article 2A(2)(5) (race equality schemes), for sub-paragraph (b) substitute—
 - “(b) Social Care and Social Work Improvement Scotland;”;
- (b) in article 5A(2)(6) (monitoring by employers), for sub-paragraph (f) substitute—
 - “(f) Social Care and Social Work Improvement Scotland;”.

Community Care (Assessment of Needs) (Scotland) Regulations 2002

26. In regulation 1(2) of the Community Care (Assessment of Needs) (Scotland) Regulations 2002(7) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Housing (Scotland) Act 2001 (Housing Support Services) Regulations 2002

27. In regulation 2 of the Housing (Scotland) Act 2001 (Housing Support Services) Regulations 2002(8) (interpretation) for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”.

Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003

28. In the Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003(9)—

- (a) in article 2 (interpretation)—
 - (i) for the definition of “the 2001 Act” substitute—
 - ““the 2010 Act” means the Public Services Reform (Scotland) Act 2010;”;
 - (ii) in the definition of “care home service” for “2001 Act” substitute “2010 Act”;
- (b) in Part I of Schedule 1 (conditions for making payments out of grant)—
 - (i) in paragraph 1 for “Part 1 of the 2001 Act” substitute “Part 5 of the 2010 Act”;
 - (ii) in paragraph 2(a) for “section 7(1) of the 2001 Act” substitute “section 59(1) of the 2010 Act”;
 - (iii) in paragraph 2(b) for “Part 1” substitute “Part 5”; and
 - (iv) in paragraph 3(10) for “2001 Act” substitute “2010 Act”.

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

29. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(11)—

- (a) in article 2(1) (interpretation)—
 - (i) in the definition of “the 2001 Act” paragraphs (a) and (b) are revoked;
 - (ii) after that definition insert—

(5) Article 2A was inserted by [S.S.I. 2004/521](#).

(6) Article 5A was inserted by [S.S.I. 2003/566](#).

(7) [S.S.I. 2002/304](#).

(8) [S.S.I. 2002/444](#).

(9) [S.S.I. 2003/140](#).

(10) Paragraph 3 of Schedule 1 was amended by [S.S.I. 2004/108](#), [348](#) and [2005/322](#).

(11) [S.S.I. 2003/231](#).

- “the 2010 Act” means the Public Services Reform (Scotland) Act 2010, and the following expressions have the meaning given—
- (a) by section 44 of that Act, “Social Care and Social Work Improvement Scotland”; and
 - (b) by section 47 of that Act, “care service”;
- (b) in paragraph 9 of Schedule 1(12) (proceedings), for “the Scottish Commission” to the end substitute “Social Care and Social Work Improvement Scotland under Part 5 of the 2010 Act”; and
- (c) in Part 2 of Schedule 4 (excepted offices and employments)(13)—
- (i) paragraph 26 is revoked; and
 - (ii) in paragraph 33 for “the Scottish Commission for the Regulation of Care” substitute “Social Care and Social Work Improvement Scotland”.

National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

30. In regulation 2 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(14) (interpretation), in paragraph (a) of the definition of “capital limit”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

31. In regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(15) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004

32. In regulation 2(f) of the Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004(16) (general members), for “subsection (1)(a)” to “Act 2001” substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”.

Building (Scotland) Regulations 2004

- 33.** In regulation 2(1) of the Building (Scotland) Regulations 2004(17) (interpretation)—
- (a) in the definition of “residential care building”, for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”; and
 - (b) in the definition of “sheltered housing complex”, for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”.

(12) Paragraph 9 of Schedule 1 was amended by [S.S.I. 2007/75](#).

(13) Paragraph 19 of Part 2 of Schedule 4 was inserted by [S.S.I. 2007/75](#).

(14) [S.S.I. 2003/460](#); to which there are amendments not relevant to this Order.

(15) [S.S.I. 2004/115](#); to which there are amendments not relevant to this Order.

(16) [S.S.I. 2004/375](#); to which there are amendments not relevant to this Order.

(17) [S.S.I. 2004/406](#); to which there are amendments not relevant to this Order.

Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No. 2) Regulations 2004

34. In regulation 1(2) of the Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No. 2) Regulations 2004⁽¹⁸⁾ (interpretation)—

- (a) in the definition of “care service”, for “subsection (1)(a)” to the end substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”; and
- (b) in the definition of “social worker” for “that Act” substitute “the Regulation of Care (Scotland) Act 2001”.

Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No. 2) Regulations 2004

35. In regulation 1(2) of the Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No. 2) Regulations 2004⁽¹⁹⁾ (interpretation)—

- (a) in the definition of “care service”, for “subsection (1)(a)” to the end substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”; and
- (b) in the definition of “social worker”, for “that Act” substitute “the Regulation of Care (Scotland) Act 2001”.

Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2005

36. In regulation 2(2)(a) of the Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2005⁽²⁰⁾ (interpretation), for “section 2(20) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 13 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005

37. In Part I of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005⁽²¹⁾—

- (a) the entry relating to the Scottish Commission for the Regulation of Care is revoked; and
- (b) at the appropriate place insert—
“Social Care and Social Work Improvement Scotland”.

Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

38. In regulation 1(2) of the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (interpretation)⁽²²⁾—

- (a) in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (b) in the definition of “educational institution”, for “section 2(4) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 3 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;

⁽¹⁸⁾ S.S.I. 2004/429; to which there are amendments not relevant to this Order.

⁽¹⁹⁾ S.S.I. 2004/430; to which there are amendments not relevant to this Order.

⁽²⁰⁾ S.S.I. 2005/41.

⁽²¹⁾ S.S.I. 2005/565; which was relevantly amended by S.S.I. 2006/129, 2007/195 and 2009/248.

⁽²²⁾ S.S.I. 2006/90.

- (c) in the definition of “offender accommodation service”, for “section 2(10) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 7 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (d) in the definition of “secure accommodation service”, for “section 2(9) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 6 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007

39. In Part I of Schedule 1 to the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007(**23**)—

- (a) the entry relating to the Scottish Commission for the Regulation of Care is revoked; and
- (b) at the appropriate place insert—

“Social Care and Social Work Improvement Scotland”.

Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007

40. In regulation 8(2)(k) of the Representation of the People (Absent Voting at Local Government Elections) Regulations 2007(**24**) (those who may attest and sign a proxy vote), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Adoption Agencies (Scotland) Regulations 2009

41. For paragraph 14(j)(ii) of Part I of Schedule 1 to the Adoption Agencies (Scotland) Regulations 2009(**25**) (information about prospective adopters), substitute—

“(ii) Part 5 of the Public Services Reform (Scotland) Act 2010.”.

Looked After Children (Scotland) Regulations 2009

42. In regulation 2 of the Looked After Children (Scotland) Regulations 2009(**26**) (interpretation), in the definition of “registered fostering service”, for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009

43. In regulation 6 of the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009(**27**) (disclosure of information for inquiries etc.), for paragraph (d) substitute—

“(d) Social Care and Social Work Improvement Scotland;”.

(23) S.S.I. 2007/32. Schedule 1 was amended by S.S.I. 2009/248.

(24) S.S.I. 2007/170; to which there are amendments not relevant to this Order.

(25) S.S.I. 2009/154; to which there are amendments not relevant to this Order.

(26) S.S.I. 2009/210; to which there are amendments not relevant to this Order.

(27) S.S.I. 2009/268.

Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

44. In regulation 10(2)(h)(i) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(**28**) (individuals to whom an exempted question can be asked), for “section 2(17) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011

45. In the definition of “registered nurse” in regulation 2(1) of the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011(**29**) (interpretation), for “Nurses and Midwives” substitute “Nursing and Midwifery”.

(28) S.S.I. 2010/168.
(29) S.S.I. 2011/XXX.