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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 120**

**SOCIAL CARE**

**The Regulation of Care (Excepted  
Services) (Scotland) Regulations 2002**

<i>Made</i>	- - - -	<i>11th March 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th March 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2), (4), (6) and (20) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and of all powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Regulation of Care (Excepted Services) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations “the Act” means the Regulation of Care (Scotland) Act 2001.

**Support services**

2. There is excepted from the definition of a “support service” in section 2(2) of the Act any service which consists wholly of one or more of the following:—

- (a) a service which provides personal care or personal support to a person (“the recipient”) within the recipient’s home;
- (b) field social work;
- (c) counselling which is not provided in residential accommodation as part of a planned programme of care; or
- (d) a service which consists of the provision of assistance to a person to enable that person to prepare for, obtain or engage in any work.

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(1) 2001 asp 8; see section 77(1) for the definition of “regulations”.

### **School care accommodation services**

3. There is excepted from the definition of a “school care accommodation service” in section 2(4) of the Act the provision of residential accommodation where it is—

- (a) provided by or under arrangements made by the managers of an independent school and does not provide personal care or support;
- (b) provided by an education authority with respect to a special school within the meaning of the Education (Scotland) Act 1980(2); or
- (c) a hostel provided by the local authority for the use of children to enable them to attend school.

### **Nurse agencies**

4. There is excepted from the definition of “nurse agency” in section 2(6) of the Act any service provided by a health body acting in exercise of functions conferred by the National Health Service (Scotland) Act 1978(3).

### **Day care of children**

5. There is excepted from the definition of “day care of children” in section 2(20) of the Act any service unless it has as its primary purpose the provision of care to children.

St Andrew’s House, Edinburgh  
11th March 2002

*ROSS FINNIE*  
A member of the Scottish Executive

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(2) 1980 c. 44.  
(3) 1978 c. 29.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations exclude certain specified activities from the definition of care services under the Regulation of Care (Scotland) Act 2001. Regulation 2 excepts certain activities from the definition of a support service. Regulation 3 restricts the scope of the definition of a school care accommodation service. Regulation 4 provides that activities of health bodies under the National Health Service (Scotland) Act 1978 are excepted from the definition of nurse agencies. Regulation 5 excepts certain activities from the definition of day care of children.