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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 18**

**SOCIAL CARE**

The Scottish Commission for the Regulation of  
Care (Consultation on Transfer of Staff) Order 2002

*Made* - - - - 23rd January 2002  
*Laid before the Scottish  
Parliament* - - - - 25th January 2002  
*Coming into force* - - 15th February 2002

The Scottish Ministers, in exercise of the powers conferred by section 30(3) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Scottish Commission for the Regulation of Care (Consultation on Transfer of Staff) Order 2002 and comes into force on 15th February 2002.

(2) In this Order—

“the Act” means the Regulation of Care (Scotland) Act 2001;

“relevant employee” means any employee of a local authority or Health Board who is to be transferred under a scheme;

“scheme” means a scheme made under section 30(1) of the Act.

**Consultation on Transfer of Staff**

2. The requirements prescribed for the purposes of section 30(3) of the Act (requirements about consultation to be complied with before a scheme is made) are that the Scottish Ministers shall, before making a scheme, consult—

- (a) every local authority;
- (b) every association of local authorities appearing to the Scottish Ministers to be appropriate;
- (c) every Health Board;
- (d) the Commission;

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(1) 2001 asp 8. See section 77 for the definition of “prescribed”.

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- (e) every professional body or trade union known to the Scottish Ministers as representing the interests of relevant employees; and
- (f) every relevant employee.

St Andrew's House,  
Edinburgh  
23rd January 2002

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

This Order prescribes, for the purposes of section 30(3) of the Regulation of Care (Scotland) Act 2001, the requirements about consultation with which the Scottish Ministers must comply before making a scheme for the transfer of staff from local authorities and Health Boards to the Scottish Commission for the Regulation of Care (article 2).