
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 587

SOCIAL CARE

**The Regulation of Care (Scotland) Act 2001
(Transitional Provisions and Revocation) Order 2003**

Made - - - - - 28th November 2003
Laid before the Scottish
Parliament - - - - - 1st December 2003
22nd December
Coming into force - - - 2003

The Scottish Ministers, in exercise of the powers conferred by section 80(2) of the Regulation of Care (Scotland) Act 2001⁽¹⁾, after consulting such persons or groups of persons as they consider appropriate in accordance with that section, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Care (Scotland) Act 2001 (Transitional Provisions and Revocation) Order 2003 and shall come into force on 22nd December 2003.

(2) In this Order “the Act” means the Regulation of Care (Scotland) Act 2001.

Transitional provisions

2.—(1) Where on 22nd December 2003 a person is providing a support service to which this article applies the service shall be treated for all purposes as if it had been registered under Part 1 of the Act on that date.

(2) Paragraph (1) shall cease to apply—

- (a) where the person providing the service has before 22nd June 2004 made an application for registration of the service under section 7(1) of the Act, on 22nd December 2004; or
- (b) in any other case, on 22nd June 2004.

(3) This article applies to a support service which provides personal care or personal support to a person (“the recipient”) within the recipient’s home, which is substantially the same as a service, activity or undertaking which was provided or carried on by that person immediately before that date.

(1) 2001 asp 8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation

3. The Regulation of Care (Scotland) Act 2001 (Transitional Provisions) Order 2003(2) is hereby revoked.

St Andrew's House, Edinburgh
28th November 2003

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions. Persons providing the support service mentioned in article 2(3) are deemed on 22nd December 2003 to have registered that service under Part I of the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#). Article 2(2) provides the circumstances in which a service will cease to be deemed to be registered. Deemed registration is to last for six months or, where the provider has applied to the Care Commission for registration, for a further six months.

The Order also revokes the Regulation of Care (Scotland) Act 2001 (Transitional Provisions) Order 2003 ([S.S.I. 2003/574](#)) which is defective.