
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 268

SOCIAL CARE

Regulation of Care (Social Service Workers) (Scotland) Order 2004

<i>Made</i>	- - - -	<i>7th June 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th June 2004</i>
<i>Coming into force</i>	- -	<i>1st August 2004</i>

The Scottish Ministers in exercise of the powers conferred on them by section 44(1)(b) of the Regulation of Care (Scotland) Act 2001⁽¹⁾ and of all other powers enabling them in that behalf, and after consultation with the Scottish Social Services Council and such other persons and groups of persons as they consider appropriate in accordance with section 44(4) of that Act, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Care (Social Service Workers) (Scotland) Order 2004 and shall come into force on 1st August 2004.

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

Description of social service worker

2. For the purposes of section 44(1)(b) of the Act, the description of social service worker prescribed⁽²⁾ is, subject to Article 3, a person who is—

- (a) an employee of the Commission; and
- (b) an authorised person within the meaning of sections 25 and 27 of the Act.

Excluded persons

3. A person who is registered with or (as the case may be) is a member of one or more of the following bodies is excluded from the description of social service worker in Article 2—

- (a) the General Social Care Council⁽³⁾;

(1) 2001 asp 8 (“the Act”).

(2) Section 77(1) of the Act defines “prescribed” as meaning “prescribed by order made by the Scottish Ministers”.

(3) The General Social Care Council was established by section 54(1)(a) of the Care Standards Act 2000 (c. 14).

- (b) the Northern Ireland Social Care Council(4);
- (c) the Care Council for Wales(5);
- (d) the General Medical Council(6);
- (e) the General Teaching Council for England(7);
- (f) the General Teaching Council for Wales(8);
- (g) the General Teaching Council for Northern Ireland(9);
- (h) the General Teaching Council for Scotland(10);
- (i) the Health Professions Council(11);
- (j) the Nursing and Midwifery Council(12);
- (k) the General Dental Council(13);
- (l) the British Psychological Society(14); or
- (m) the Royal Pharmaceutical Society of Great Britain(15).

St Andrew's House, Edinburgh
7th June 2004

PETER PEACOCK
A member of the Scottish Executive

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- (4) The Northern Ireland Social Care Council was established by section 1(1) of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3).
 - (5) The Care Council for Wales was established by section 54(1)(b) of the Care Standards Act 2000 (c. 14).
 - (6) The General Medical Council continues to be established by virtue of section 1(1) of the Medical Act 1983 (c. 54).
 - (7) The General Teaching Council for England was established by section 1(1) of the Teaching and Higher Education Act 1998 (c. 30).
 - (8) The General Teaching Council for Wales was established by Article 2 of The General Teaching Council for Wales Order 1998 (S.I. 1998/2911) made under section 8(1) of the Teaching and Higher Education Act 1998 (c. 30).
 - (9) The General Teaching Council for Northern Ireland was established by Article 34(1) of the Education (Northern Ireland) Order 1998 (S.I. 1998/1759) made under paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (c. 28).
 - (10) The General Teaching Council for Scotland was established by section 1(1) of the Teaching Council (Scotland) Act 1965 (c. 19).
 - (11) The Health Professions Council was established by Article 3(1) of the Health Professions Order (S.I. 2002/254) made under sections 60 and 62(4) of the Health Act 1999 (c. 8).
 - (12) The Nursing and Midwifery Council was established by Article 3(1) of the Nursing and Midwifery Order 2001 (S.I. 2002/253) made under sections 60 and 62(4) of the Health Act 1999 (c. 8).
 - (13) The General Dental Council continues to be established by virtue of section 1(1) of the Dentists Act 1984 (c. 24).
 - (14) The British Psychological Society was incorporated by Royal Charter first granted on 26th February 1965.
 - (15) The Royal Pharmaceutical Society of Great Britain was incorporated by Royal Charter first granted on 18th February 1843.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 44(1) of the [Regulation of Care \(Scotland\) Act 2001 \(2001 asp 8\)](#) (“the Act”) requires the Scottish Social Services Council to maintain a register of social workers, social service workers of any other description prescribed and persons participating in a course or employed in a position probationary to becoming either a social worker or social service worker of a qualified description.

Article 2 prescribes a description of social service worker for the purposes of section 44(1)(b) of the Act. The description covers employees of the Scottish Commission for the Regulation of Care who are authorised persons within the meaning of sections 25 and 27 of the Act.

Article 3 excludes from that description persons who are registered with or are a member of any of the bodies listed in Article 3.