

**2004 No. 94**

**SOCIAL CARE**

**The Regulation of Care (Requirements as to Care Services)  
(Scotland) Amendment Regulations 2004**

*Made* - - - - *8th March 2004*

*Laid before the Scottish Parliament* *9th March 2004*

*Coming into force* - - *1st April 2004*

The Scottish Ministers, in exercise of the powers conferred by section 29(1), (2)(e) and (7)(c) of the Regulation of Care (Scotland) Act 2001(a) and of all other powers enabling them in that behalf, and having consulted such persons and groups of persons as they consider appropriate in accordance with section 29(12) of that Act, hereby make the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2004 and shall come into force on 1st April 2004.

**Amendment of the principal Regulations**

**2.—**(1) The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002(b) shall be amended as follows.

(2) After paragraph (3) of regulation 4 (welfare of users)(c), insert—

“(4) The requirements in paragraph (1)(d) shall not apply to a provider of an adoption service or a fostering service.”.

(3) In paragraph (1) of regulation 5 (personal plans)(d), for “paragraph (4)” substitute “paragraphs (1A) and (4)”.

(4) After paragraph (1) of regulation 5, insert—

“(1A) Paragraph (1) shall not apply to any adoption service or fostering service but the provider of such a service shall, after consultation with each service user and, where it appears to the provider to be appropriate, any representative—

- (a) within one month of the date on which the service user first received the service prepare a written plan which sets out a plan for the use of the service over the next 12 months; and
- (b) review that plan at least once in every 12 month period.”.

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

(b) S.S.I. 2002/114, as amended by S.S.I. 2003/149 and 572.

(c) Regulation 4 was amended by S.S.I. 2003/149, regulation 2(3).

(d) Regulation 5(4) was amended by S.S.I. 2003/149, regulation 2(4).

(5) After paragraph (5) of regulation 19 (records)(a) insert—

“(6) The requirements in paragraphs (1)(c) and (3)(g), (h), (j) and (k) shall not apply to the provider of an adoption service or a fostering service.”.

St Andrew’s House,  
Edinburgh  
8th March 2004

*TOM McCABE*  
Authorised to sign by the Scottish Ministers

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(a) Regulation 19 was amended by S.S.I. 2003/149, regulation 2(5) and S.S.I. 2003/572, regulation 2(6).

## **EXPLANATORY NOTE**

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

These Regulations amend the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 (“the principal Regulations”).

Regulation 2(2) and (5) disapplies from adoption services and fostering services certain requirements of regulations 4 (welfare of users) and 19 (records) of the principal Regulations.

Regulation 2(3) and (4) amends regulation 5 (personal plans) of the principal Regulations. It disapplies the requirements of regulation 5(1) from adoption services and fostering services but requires the provider of such services to provide for each service user, within a month of the date on which the service user first received the service, a plan for use of the service over the next year and to review that plan at least once every 12 months.

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