
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 29

SOCIAL CARE

The Social Care and Social Work Improvement
Scotland (Applications) Order 2011

Made - - - - 20th January 2011
Laid before the Scottish
Parliament - - - - 24th January 2011
Coming into force - - 1st April 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 59, 70, 83 and 86 of the Public Services Reform (Scotland) Act 2010⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Social Care and Social Work Improvement Scotland (Applications) Order 2011 and comes into force on 1st April 2011.

Interpretation

2. In this Order—

“the Act” means the Public Services Reform (Scotland) Act 2010;

“address” means a postal address and, where available, an electronic mail address but an electronic mail address may not be substituted for a postal address;

“the applicant” means the person making an application for registration of a care service⁽²⁾ under the Act;

“provider” means the person providing the service;

“SCSWIS” means Social Care and Social Work Improvement Scotland.

(1) 2010 asp 8 (“the Act”). Section 105(1) contains the definition of “prescribed” relevant to the exercise of the statutory powers under which this Order is made.

(2) The term “care service” is defined in section 47 of the Act.

Applications for registration under Chapter 3 or 4 of Part 5 the Act

3.—(1) The information prescribed for the purposes of section 59(2)(a) of the Act, about the matters prescribed in paragraph (2), and for the purposes of section 83 of the Act is the information specified in the Schedule.

(2) The matters are the applicant and the care service which is the subject of the application.

Variation, removal and addition of conditions

4.—(1) An application under section 70 of the Act for the variation, removal or addition of a condition relating to the registration of a care service or under section 86 of the Act for the variation or removal of a condition relating to the registration of a care service must specify—

- (a) the date on which the proposed variation, removal or, as the case may be, addition is to take effect;
- (b) the reason for making the application; and
- (c) any change which the provider proposes to make in relation to the care service as a consequence of the proposed variation, removal or, as the case may be, addition.

(2) Unless SCSWIS has agreed in writing that an earlier date may be specified, the date referred to in paragraph (1)(a) must be not less than three months after the date on which the application is made.

Cancellation of registration

5.—(1) An application under section 70 of the Act for the cancellation of registration of a care service must specify—

- (a) the date on which cancellation is to take effect;
- (b) the reason for making the application;
- (c) any arrangements made by the provider that seek to ensure persons using the service will continue to receive a similar service (including where appropriate accommodation) from the provider or another person;
- (d) whether notice of the application has been given to any of the persons to whom paragraph (2) applies and the terms of any such notice; and
- (e) where notice has not been given to any of those persons, whether there were any circumstances which made it impracticable for the person providing the service to give such notice.

(2) The persons to whom this paragraph applies are—

- (a) any person using the care service when the application is made;
- (b) any person appearing to be a relative or representative of the person using the service; and
- (c) any local authority or health body⁽³⁾.

(3) Unless SCSWIS has agreed in writing that an earlier date may be specified, the date referred to in paragraph (1)(a) shall be not less than three months after the date on which the application is made.

St Andrew's House, Edinburgh
20th January 2011

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(3) The term "health body" is defined in section 105 of the Act.

SCHEDULE

Article 3

1. The full name, address, telephone number and any facsimile number of the applicant.
2. If the applicant is not an individual—
 - (a) its name;
 - (b) the address of the applicant’s principal office and registered office (if any);
 - (c) the full name and address of any person to whom the applicant wishes enquiries concerning the care service to be addressed; and
 - (d) the full name, date of birth and address of every person who is, or who purports to act in the capacity of a person who is—
 - (i) where the applicant is a body corporate, other than a local authority, a director, manager or secretary of the body corporate;
 - (ii) where the applicant is a firm, a partner in the firm; or
 - (iii) where the applicant is an unincorporated association other than a firm, concerned in the management or control of the association,and in each case whether registration of any care service provided by such a person has ever been cancelled and the reasons for the cancellation.
3. All addresses of the care service.
4. Specification of the type of the care service which is to be provided.
5. Proposed date for commencement of the care service.
6. The aims and objectives of the care service.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the information which is to be provided by a person who makes an application for registration of a care service under chapter 3 or 4 of Part 5 of the Public Services Reform (Scotland) Act 2010 (“the Act”).

Article 3 and the Schedule prescribe the information, (and the matters to which that information relates), which an application must contain. This information is in addition to any information which SCSWIS acting under section 59(2)(c) of the Act may reasonably require the applicant to give in the application.

The Order also specifies the information to be provided by a person who makes an application for the variation, removal or addition of a condition of registration relating to registration of a care service (article 4) or cancellation of a care service (article 5).