

## **EXECUTIVE NOTE**

### **THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (CONSEQUENTIAL MODIFICATIONS) (NO. 2) ORDER 2011**

**2011. No. 369**

The above instrument will, if approved, be made in exercise of the powers conferred on the Scottish Ministers by section 132 of the Public Services Reform (Scotland) Act 2010. The instrument is subject to affirmative resolution procedure.

#### **Policy Objectives**

The purpose of the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) (No. 2) Order 2011 is to amend Section 78(5) of the Fire (Scotland) Act 2005 (“the 2005 Act”) in consequence of the coming into force of Parts 5 and 6 of the Public Services Reform (Scotland) Act 2010 (“the PSR Act”) on 1 April 2011.

The purpose of section 78(5) of the 2005 Act is to ensure that particular categories of premises are exempt from the definition of "domestic premises" so that these premises are subject to fire safety legislation including fire regulations. The premises exempt from the definition include school care accommodation services, independent healthcare services and secure accommodation services as defined in the section 2 of the Regulation of Care (Scotland) Act 2001.

Section 2 of the Regulation of Care (Scotland) Act 2001 was repealed by the PSR Act and care service definitions for school care accommodation and secure accommodation are now contained in that Act. The National Health Service (Scotland) Act 1978 (“the NHS(S) Act”) was amended by the PSR Act to insert section 10F which defines independent healthcare services. The Consequential Modifications) (No. 2) Order will amend the 2005 Act so that the exemptions in Section 78(5) (c), (d) and (e) refer to the PSR Act and the NHS(S) Act .

#### **Consultation**

As these are technical/legal changes to legislative provisions no formal public consultation has been undertaken on this Order.

#### **Financial effects**

These consequential modifications will not have any financial effects

**Scottish Government**

**Directorate for Health and Social Care Integration**

**August 2011**