

## SCHEDULE 2

Establishment of Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland and dissolution of the Scottish Commission for the Regulation of Care: modification of enactments

### PART 2

#### Secondary Legislation

##### *Misuse of Drugs (Safe Custody) Regulations 1973*

**11.** In regulation 2(1) of the Misuse of Drugs (Safe Custody) Regulations 1973(1) (interpretation) for the definition of “care home service” substitute ““care home service” has the same meaning as in the Public Services Reform (Scotland) Act 2010;”.

##### *Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980*

**12.** In regulation 1(2) of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(2) (interpretation) in the definitions of “independent clinic”, “independent hospital” and “independent medical agency” for “section 77(1)” to “2001” substitute “section 10F(2) of the National Health Service (Scotland) Act 1978”.

##### *Medicines (Pharmacy and General Sale- Exemption) Order 1980*

**13.** In article 1(2) of the Medicines (Pharmacy and General Sale- Exemption) Order 1980(3) (interpretation)—

- (a) in the definitions of “independent clinic”, “independent hospital” and “independent medical agency” for “section 77(1)” to “2001” substitute “section 10F(2) of the National Health Service (Scotland) Act 1978”;
- (b) in the definitions of “registered provider” and “relevant manager” for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “section 10P of the National Health Service (Scotland) Act 1978”.

##### *Income Support (General) Regulations 1987*

**14.** In regulation 2(1) of the Income Support (General) Regulations 1987(4) (interpretation)—

- (a) in the definition of “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in the definition of “independent hospital” for “section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001” substitute “section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978”.

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(1) S.I. 1973/798, as relevantly amended by S.I. 2007/2154.

(2) S.I. 1980/1923, as relevantly amended by S.I. 2007/2179.

(3) S.I. 1980/1924, as relevantly amended by S.I. 2007/2178.

(4) S.I. 1987/1967, as relevantly amended by S.I. 2005/2687 and 2010/1881.

*Social Fund Cold Weather Payments (General) Regulations 1988*

**15.** In regulation 1A of the Social Fund Cold Weather Payments (General) Regulations 1988(5) (prescribed description of persons)—

- (a) in paragraph (5)(a) in the definition of “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in paragraph (5)(b) in the definition of “independent hospital” for “section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001” substitute “section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978”.

*National Health Service Trusts (Membership and Procedure) Regulations 1990*

**16.** In regulation 1(2) of the National Health Service Trusts (Membership and Procedure) Regulations 1990(6) (interpretation) in the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) for “section 2, 10” substitute “sections 2, 10, 10A”.

*Council Tax (Exempt Dwellings) Order 1992*

**17.** In the Council Tax (Exempt Dwellings) Order 1992(7)—

- (a) in article 3 (classes of exempt dwellings) in paragraph (a) of Class E insofar as that paragraph applies to England, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in article 3 in Class I for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

*Child Support (Maintenance Assessments and Special Cases) Regulations 1992*

**18.** In regulation 1(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(8) (interpretation) —

- (a) for the definition of “care home service” substitute ““care home service” has the meaning assigned to it by paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010;”;
- (b) for the definition of “independent health care service” substitute ““independent health care service” has the meaning assigned to it by section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”;

*Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992*

**19.** In regulation 7A of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(9) (prescription for the purposes of jurisdiction) after paragraph (2)(k) insert—

- “(l) Healthcare Improvement Scotland constituted under section 10A of the 1978 Act.”.

(5) S.I. 1988/1724, regulation 1A was substituted by S.I. 2010/2442 and amended by S.I. 2010/2591.

(6) S.I. 1990/2024, to which there are amendments not relevant to this Schedule.

(7) S.I. 1992/558, as relevantly amended by S.I. 2003/3121, 2004/2921 (W.260) and 2005/2865.

(8) S.I. 1992/1815, as relevantly amended by S.I. 2003/2779.

(9) S.I. 1992/2645, as relevantly amended by S.I. 2001/161.

*Jobseeker's Allowance Regulations 1996*

- 20.** In regulation 1(3) of the Jobseeker's Allowance Regulations 1996(**10**) (interpretation) —
- (a) in the definition of “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001(**11**)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
  - (b) in the definition of “independent hospital” for paragraph (c) substitute—
    - “(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”.

*Health Authorities (Membership and Procedure) Regulations 1996*

- 21.** In regulation 1(2) of the Health Authorities (Membership and Procedure) Regulations 1996(**12**) (interpretation) in the definition of “health service body”—
- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
  - (b) after “sections 4, 10” insert “, 10A”.

*Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996*

- 22.** In article 1(2)(b) of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996(**13**) (definition of health service employers) after paragraph (ii) insert—
- “(iia) Healthcare Improvement Scotland established under section 10A of the National Health Service (Scotland) Act 1978;”.

*Social Security Benefit (Computation of Earnings) Regulations 1996*

- 23.** In Schedule 2 to the Social Security Benefit (Computation of Earnings) Regulations 1996(**14**) (child care charges to be deducted in the calculation of earnings) in paragraph 2 in the definition of “relevant child care charges” for paragraph (g) substitute—
- “(g) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010(**15**); or
    - (ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act,”.

*Prescription Only Medicines (Human Use) Order 1997*

- 24.** In article 1(2) of the Prescription Only Medicines (Human Use) Order 1997(**16**) (interpretation) —

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(10) [S.I. 1996/207](#), as relevantly amended by [S.I. 2005/2687](#) and [2010/1881](#).

(11) [2001 asp 8](#). Parts 1 and 2 and schedule 1 were repealed by the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#).

(12) [S.I. 1996/707](#), to which there are amendments not relevant to this Schedule.

(13) [S.I. 1996/1023](#), to which there are amendments not relevant to this Schedule.

(14) [S.I. 1996/2745](#), as relevantly amended by [S.I. 2002/842](#).

(15) [2010 asp 8](#).

(16) [S.I. 1997/1830](#), as relevantly amended by [S.I. 2003/696](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 No. 2581*

- (a) in the definitions of “independent clinic”, “independent hospital” and “independent medical agency” for “section 77(1)” to “2001” substitute “section 10F(2) of the National Health Service (Scotland) Act 1978”;
- (b) in the definitions of “registered provider” and “relevant manager” for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “section 10P of the National Health Service (Scotland) Act 1978”.

*National Institute for Clinical Excellence Regulations 1999*

**25.** In regulation 1(2) of the National Institute for Clinical Excellence Regulations 1999(17) (interpretation) insofar as those Regulations apply in England, in paragraph (b) of the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) after “sections 4, 10” insert “, 10A”.

*Public Interest Disclosure (Prescribed Persons) Order 1999*

**26.** In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(18) (prescribed persons) for the entry relating to the Scottish Commission for the Regulation of Care substitute—

“Social Care and Social Work Improvement Scotland	Matters relating to the provision of care services, as defined in the Public Services Reform (Scotland) Act 2010.
Healthcare Improvement Scotland	Matters relating to the provision of independent health care services, as defined in the National Health Service (Scotland) Act 1978.(19)

*Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999*

**27.** In section 8 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(20) (social services) for paragraph 4ZA substitute—

“**4ZA.** Social Care and Social Work Improvement Scotland.”.

*Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000*

**28.** In regulation 1(2) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(21) (interpretation) in the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) after “sections 4, 10” insert “, 10A”.

(17) S.I. 1999/260, as relevantly amended by SI 2005/498.

(18) S.I. 1999/1549, as relevantly amended by S.I. 2003/1993.

(19) 1978 c.29. Sections 10A to 10Z19, which relate to HIS were inserted by the [Public Services Reform \(Scotland\) Act 2010](#) (asp 8), section 108.

(20) S.I. 1999/2277, as relevantly amended by S.I. 2004/1682.

(21) S.I. 2000/89, to which there are amendments not relevant to this Schedule.

*Social Fund Winter Fuel Payment Regulations 2000*

**29.** In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations 2000(**22**) (interpretation)—

- (a) in the definition of “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in the definition of “independent hospital” for “section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001” substitute “section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978”.

*Child Support (Maintenance Calculations and Special Cases) Regulations 2000*

**30.** In regulation 1(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**23**) (interpretation)—

- (a) in the definition of “care home service” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) for the definition of “independent health care service” substitute—  
“independent health care service” has the meaning assigned to it by section 10F(1) (a) and (b) of the National Health Service (Scotland) Act 1978;”.

*Representation of the People (Scotland) Regulations 2001*

**31.** In regulation 53(2)(k) of the Representation of the People (Scotland) Regulations 2001(**24**) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or any other disability) for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

*Financial Services and Markets Act 2000 (Regulated Activities) Order 2001*

**32.** In article 63B(6)(b) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(**25**) (home reversion plans: definition of “care home” for purposes of definition of “qualifying termination event”) for “care home” within the meaning of section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “care home service” within the meaning of paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

*Misuse of Drugs Regulations 2001*

**33.** In regulation 2(1) of the Misuse of Drugs Regulations 2001(**26**) (interpretation) for the definition of “care home service” substitute “care home service” has the same meaning as in the Public Services Reform (Scotland) Act 2010;”.

*Disqualification from Caring for Children (England) Regulations 2002*

**34.** In the Disqualification from Caring for Children (England) Regulations 2002(**27**)—

(22) S.I. 2000/729, as relevantly amended by S.I. 2005/2687 and 2010/1881.

(23) S.I. 2001/155, as relevantly amended by S.I. 2003/2779.

(24) S.I. 2001/497, as relevantly amended by S.I. 2007/925.

(25) S.I. 2001/544, as relevantly amended by S.I. 2006/2383.

(26) S.I. 2001/3998, as relevantly amended by S.I. 2007/2154.

(27) S.I. 2002/635, to which there are amendments not relevant to this Schedule.

- (a) in regulation 2(11) (grounds for disqualification) at the end of sub-paragraph (b) insert—  
“or Part 5 of the Public Services Reform (Scotland) Act 2010.”;
- (b) in the Schedule in paragraph 2 (offences in Scotland) after sub-paragraph (8) insert—  
“(9) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following provisions of the Public Services Reform (Scotland) Act 2010—  
  - (a) section 78 (offences under regulations);
  - (b) section 80 (offences in relation to registration); or
  - (c) section 81 (false statements in applications).”.

*State Pension Credit Regulations 2002*

- 35.** In regulation 1(2) of the State Pension Credit Regulations 2002(**28**) (interpretation)—
- (a) for the definition of “care home service” substitute—  
““care home service” has the meaning assigned to it by paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010;”;
  - (b) in the definition of “independent hospital” for paragraph (c) substitute—  
“(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”.

*Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002*

- 36.** In regulation 14(2)(b) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**29**) (definition of child care)—
- (a) in paragraph (i) for “section 2” to “that Act;” substitute “schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act;”
  - (b) in paragraph (ia) for “sections 2(7)” to “2001; or” substitute “paragraph 5 of schedule 12 to the Public Services Reform (Scotland) Act 2010; or”,
  - (c) in paragraph (ii) for “section 2” to “Act; or” substitute “schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act; or”.

*Patients’ Forums (Membership and Procedure) Regulations 2003*

- 37.** In regulation 1(3) of the Patients’ Forums (Membership and Procedure) Regulations 2003(**30**) (interpretation) in the definition of “health service body”—
- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
  - (b) after “sections 4, 10” insert “, 10A”.

*European Parliamentary Elections Regulations 2004*

- 38.** In paragraph 23 of Schedule 2 to the European Parliamentary Elections Regulations 2004(**31**) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or other disability) in sub-paragraph (2)(k)(ii), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

(28) S.I. 2002/1792, as relevantly amended by S.I. 2002/3197, 2005/2687 and 2010/1881.

(29) S.I. 2002/2005, as relevantly amended by S.I. 2004/1276, 2006/766 and 2009/2887.

(30) S.I. 2003/2123, to which there are amendments not relevant to this Schedule.

(31) S.I. 2004/293, as relevantly amended by S.I. 2009/186.

*Communications (Television Licensing) Regulations 2004*

**39.** In paragraph 7(1) of Schedule 4 to the Communications (Television Licensing) Regulations 2004(**32**) (interpretation: Scotland) in the definition of “accommodation for residential care” for paragraph (a)(ii) substitute—

“(ii) at which a care service is provided (within the meaning of section 47 of the Public Services Reform (Scotland) Act 2010) and that service is registered under Part 5 of that Act; or”.

*Medicines for Human Use (Clinical Trials) Regulations 2004*

**40.** In regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004(**33**) (interpretation) in the definition of “health service body” after paragraph (c) insert—

“(ca) Healthcare Improvement Scotland established under the National Health Service (Scotland) Act 1978.”.

*Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004*

**41.** In the Annex to Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(**34**) (list of regulators) for “Scottish Commission for the Regulation of Care.” substitute—

“Healthcare Improvement Scotland.  
Social Care and Social Work Improvement Scotland.”.

*Disqualification from Caring for Children (Wales) Regulations 2004*

**42.** In the Schedule to the Disqualification from Caring for Children (Wales) Regulations 2004(**35**) (specified offences, relevant persons and relevant lists)—

(a) after paragraph 12 insert—

“**12A.** An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following provisions of the Public Services Reform (Scotland) Act 2010(**36**)—

- (a) section 78 (offences under regulations);
- (b) section 80 (offences in relation to registration); or
- (c) section 81 (false statements in applications).”;

(b) after paragraph 28(f)—

- (i) omit “or”, and
- (ii) insert—

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

(c) after paragraph 30 insert—

“**30A.** The person has at any time been refused registration as a provider of a child care agency under section 59 of the Public Services Reform (Scotland) Act 2010 or has had any such registration cancelled under section 64 or 65 of that Act.”.

(32) S.I. 2004/692, as relevantly amended by S.I. 2005/606.

(33) S.I. 2004/1031, to which there are amendments not relevant to this Schedule.

(34) S.I. 2004/1861, as relevantly amended by S.I. 2010/131.

(35) S.I. 2004/2695 (W.235), to which there are amendments not relevant to this Schedule.

(36) 2010 asp 8.

*Rheoliadau Datgymhwysu rhag Gofalu am Blant (Cymru) 2004*

**43.** Yn Atodlen 1 i Reoliadau Datgymhwysu rhag Gofalu am Blant (Cymru) 2004<sup>(37)</sup>(tramgwyddau penodedig, personau perthnasol a restrï perthnasol)—

(a) ar ôl paragraff 12 mewnosoder—

“**12A.** Tramgwydd mewn perthynas â gwasanaeth cartref gofal, gofal plant neu ofal dydd i blant, o dan neu yn rhinwedd unrhyw un neu ragor o ddarpariaethau canlynol Deddf Diwygio'r Gwasanaethau Cyhoeddus (Yr Alban) 2010<sup>(38)</sup>—

(a) adran 78 (tramgwyddau o dan reoliadau);

(b) adran 80 (tramgwyddau ynglŷn â chofrestru); neu

(c) adran 81 (datganiadau ffug mewn ceisiadau).”;

(b) ar ôl paragraff 28(dd)—

(i) hepgorer “neu” a

(ii) mewnosoder—

“(dda) Deddf Diwygio'r Gwasanaethau Cyhoeddus (Yr Alban) 2010; neu”;

(c) ar ôl paragraff 30 mewnosoder—

“**30A.** Gwrthodwyd i'r person, ar unrhyw adeg gofrestru, fel darparydd asiantaeth gofal plant o dan adran 59 o Ddeddf Diwygio'r Gwasanaethau Cyhoeddus (Yr Alban) 2010 neu ddiddymwyd ei gofrestriad o dan adran 64 neu 65 o'r Ddeddf honno.”.

*Blood Safety and Quality Regulations 2005*

**44.** In regulation 1(3) of the Blood Safety and Quality Regulations 2005<sup>(39)</sup> (interpretation)—

(a) in the definition of “care home” for “has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001” substitute “means a care home service within the meaning of paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;

(b) in the definitions of “independent clinic” and “independent hospital” for “section 2 of the Regulation of Care (Scotland) Act 2001” substitute “section 10F(2) of the National Health Service (Scotland) Act 1978”;

(c) in the definition of “registered person” for paragraph (b) (ii) substitute—

“(ii) section 10P of the National Health Service (Scotland) Act 1978<sup>(40)</sup>, or section 59 of the Public Services Reform (Scotland) Act 2010 as appropriate;”.

*Health and Social Care Information Centre Regulations 2005*

**45.** In regulation 1(3) of the Health and Social Care Information Centre Regulations 2005<sup>(41)</sup> (interpretation) in the definition of “health service body”—

(a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;

(b) after “sections 4, 10” insert “, 10A”.

<sup>(37)</sup> O.S. 2004/2695 (Cy.235), y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Atodlen hon.

<sup>(38)</sup> 2010 dsa 8.

<sup>(39)</sup> S.I. 2005/50, as relevantly amended by S.I. 2006/2013 and 2010/1881.

<sup>(40)</sup> 1978 c.29. Sections 10A to 10Z19 were inserted by the Public Services Reform (Scotland) Act 2010 (asp 8), section 108.

<sup>(41)</sup> S.I. 2005/50, to which there are amendments not relevant to this Schedule.



*Medicines for Human Use (Prescribing) Order 2005*

**46.** In article 2(3) of the Medicines for Human Use (Prescribing) Order 2005(**42**) (exemption to the restrictions imposed by sections 7 and 8 of the Medicines Act 1968) for “section 2(3) of the Regulation of Care (Scotland) Act 2001.(**43**)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010.”.

*NHS Institute for Innovation and Improvement Regulations 2005*

**47.** In regulation 1(3) of the NHS Institute for Innovation and Improvement Regulations 2005(**44**) (interpretation) in the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) after “sections 4, 10” insert “, 10A”.

*NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005*

**48.** In regulation 1(2) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(**45**) (interpretation) in the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) after “sections 4, 10” insert “, 10A”.

*NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005*

**49.** In regulation 1(2) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(**46**) (interpretation) in the definition of “health service body”—

- (a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;
- (b) after “sections 4, 10” insert “, 10A”.

*Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005*

**50.** In regulation 2(2)(d)(vi) of the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005(**47**) (interpretation: responsible authorities in relation to Scotland), for “the Scottish Commission for the Regulation of Care” substitute “Social Care and Social Work Improvement Scotland”.

*Housing Benefit Regulations 2006*

**51.** In the Housing Benefit Regulations 2006(**48**)—

- (a) in regulation 2(1) (interpretation) in the definition of—
  - (i) “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
  - (ii) “independent hospital” for paragraph (c) substitute—

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(42) [S.I. 2005/765](#), to which there are amendments not relevant to this Schedule.

(43) [2001 asp 8](#). Parts 1 and 2 and schedule 1 were repealed by the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#).

(44) [S.I. 2005/1447](#), to which there are amendments not relevant to this Schedule.

(45) [S.I. 2005/2415](#), to which there are amendments not relevant to this Schedule.

(46) [S.I. 2005/2531](#), to which there are amendments not relevant to this Schedule.

(47) [S.I. 2005/3222](#), to which there are amendments not relevant to this Schedule.

(48) [S.I. 2006/213](#), as relevantly amended by [S.I. 2010/1881](#).

- “(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”;
- (b) for regulation 28(8)(e) (treatment of child care charges) substitute—
  - “(e) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
    - (ii) local authorities registered under section 83(1),where the care provided is child minding or day care of children within the meaning of that Act; or”.

*Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006*

**52.** In the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(49)—

- (a) in regulation 2(1) (interpretation) in the definition of—
  - (i) “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
  - (ii) “independent hospital” for paragraph (c) substitute—
    - “(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”;
- (b) for regulation 31(8)(e) (treatment of child care charges) of that Act, substitute—
  - “(e) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
    - (ii) local authorities registered under section 83(1),where the care provided is child minding or day care of children within the meaning of that Act; or”.

*Council Tax Benefit Regulations 2006*

**53.** In the Council Tax Benefit Regulations 2006(50)—

- (a) in regulation 2(1) (interpretation) in the definition of—
  - (i) “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
  - (ii) “independent hospital” for paragraph (c) substitute—
    - “(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”;

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(49) S.I. 2006/214, as relevantly amended by S.I. 2010/1881.

(50) S.I. 2006/215, as relevantly amended by S.I. 2010/1881.

(b) for regulation 18(8)(e) (treatment of child care charges) substitute—

“(e) by—

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or”.

*Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006*

**54.** In the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(51)**—

(a) in regulation 2(1) (interpretation) in the definition of—

(i) “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;

(ii) “independent hospital” for paragraph (c) substitute—

“(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;”;

(b) for regulation 21(8)(e) (treatment of child care charges) substitute—

“(e) by—

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or”.

*Appointments Commission Regulations 2006*

**55.** In regulation 1(2) of the Appointments Commission Regulations 2006**(52)** (interpretation) in the definition of “health service body”—

(a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;

(b) after “sections 4, 10” insert “, 10A”.

*Controlled Drugs (Supervision of Management and Use) Regulations 2006*

**56.** In the Controlled Drugs (Supervision of Management and Use) Regulations 2006**(53)**—

(a) in regulation 2(1) (interpretation)—

(i) after the definition of “the health service” insert—

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**(51)** [S.I. 2006/216](#), as relevantly amended by [S.I. 2010/1881](#).

**(52)** [S.I. 2006/2380](#), to which there are amendments not relevant to this Schedule.

**(53)** [S.I. 2006/3148](#), to which there are amendments not relevant to this Schedule.

““Healthcare Improvement Scotland” means Healthcare Improvement Scotland, as established under section 10A of the National Health Service (Scotland) Act 1978;”;

- (ii) omit the definition of “NHS Quality Improvement Scotland”;
- (iii) omit the definition of “Scottish Commission for the Regulation of Care”;
- (iv) in the definition of “Scottish independent hospital” for “77(1)” to “(interpretation)” substitute “10F(2) (meaning of “independent health care services”) of the National Health Service (Scotland) Act 1978”;
- (v) after the definition of “Scottish independent hospital” insert—
  - ““Social Care and Social Work Improvement Scotland” means Social Care and Social Work Improvement Scotland, as established under section 44 of the Public Services Reform (Scotland) Act 2010;(54)
- (b) in regulation 5(7) (definitions: persons who may be appointed as accountable officers) for “regulation 17(1)” to “Regulations 2002” substitute—
  - “regulation 14 of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011(55)
- (c) in regulation 18(3)(b) (bodies in Scotland in a local intelligence network) for paragraphs (ii) and (iii), substitute—
  - “(ii) Social Care and Social Work Improvement Scotland,
  - (iii) Healthcare Improvement Scotland, and”.

*Childcare (Supply and Disclosure of Information) (England) Regulations 2007*

**57.** For regulation 9(2)(d) of the Childcare (Supply and Disclosure of Information) (England) Regulations 2007(56) (prescribed persons for the purpose of the provision of information) substitute—

- “(d) Social Care and Social Work Improvement Scotland;”.

*Employment and Support Allowance Regulations 2008*

**58.** In regulation 2(1) of the Employment and Support Allowance Regulations 2008(57) (interpretation)—

- (a) in the definition of “care home” for “section 2(3) of the Regulation of Care (Scotland) Act 2001(58)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in the definition of “independent hospital” for paragraph (c) substitute—
  - “(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;(59)

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(54) 2010 asp 8.

(55) S.S.I. 2011/182, to which there are amendments not relevant to this Schedule.

(56) S.I. 2007/722, to which there are amendments not relevant to this Schedule.

(57) S.I. 2008/794, as relevantly amended by S.I. 2010/1881.

(58) 2001 asp 8. Parts 1 and 2 and schedule 1 were repealed by the Public Services Reform (Scotland) Act 2010 (asp 8).

(59) 1978 c.29. Sections 10A to 10Z19 were inserted by the Public Services Reform (Scotland) Act 2010 (asp 8), section 108.

*Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008*

**59.** For regulation 5(2)(h)(ii) of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008(**60**) (prescribed descriptions of information) substitute—  
“(ii) Social Care and Social Work Improvement Scotland, pursuant to Part 5 of the Public Services Reform (Scotland) Act 2010;”.

*Care Quality Commission (Membership) Regulations 2008*

**60.** In regulation 1(2) of the Care Quality Commission (Membership) Regulations 2008(**61**) (interpretation) in the definition of “NHS Body” after paragraph (h) insert—  
“(ha) Healthcare Improvement Scotland constituted under section 10A of the National Health Service (Scotland) Act 1978;”.

*National Information Governance Board Regulations 2008*

**61.** In regulation 1(3) of the National Information Governance Board Regulations 2008(**62**) (interpretation) in the definition of “health service body”—  
(a) after “Scottish Health Service” insert “, Healthcare Improvement Scotland”;  
(b) after “sections 4, 10” insert “, 10A”.

*Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009*

**62.** In regulation 1(2) of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**63**) (interpretation) in the definition of “health service body”—  
(a) after “Special Health Board” insert “, Healthcare Improvement Scotland”;  
(b) after “constituted under section 2,” insert “ 10A,”.

*Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009*

**63.** Yn rheoliad 1(2) o Reoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009(**64**) (dehongli) yn y diffiniad o “corff gwasanaeth iechyd” —  
(a) ar ôl “Bwrdd Iechyd Arbennig” rhodder “, Gwella Gofal Iechyd yr Alban”;  
(b) ar ôl “a gyfansoddwyd yn y drefn hon o dan adrannau 2,” rhodder “10A,”.

*Childcare (Disqualification) Regulations 2009*

**64.** In the Childcare (Disqualification) Regulations 2009(**65**)—  
(a) in Schedule 1 (orders etc. relating to the care of children)—  
(i) in paragraph 16 (refusal or cancellation of registration)—  
(aa) omit “or” where it occurs after sub-paragraph (e);

(60) S.I. 2008/976, to which there are amendments not relevant to this Schedule.

(61) S.I. 2008/2252, to which there are amendments not relevant to this Schedule.

(62) S.I. 2008/2558, to which there are amendments not relevant to this Schedule.

(63) S.I. 2009/1385 (W. 141), to which there are amendments not relevant to this Schedule.

(64) O.S. 2009/1385 (Cy.141), y mae cddi ddiwygiadau nad ydynt yn berthnasol i'r Atodlen hon.

(65) S.I. 2009/1547, to which there are amendments not relevant to this Schedule.

- (bb) after sub-paragraph (f) insert—
  - “; or
  - (g) Part 5 of the Public Services Reform (Scotland) Act 2010.”;
- (ii) in paragraph 19 (refusal of or disqualification from registration)—
  - (aa) omit “or” where it occurs after sub-paragraph (h);
  - (bb) after sub-paragraph (i) insert—
    - “; or
    - (j) Part 5 of the Public Services Reform (Scotland) Act 2010.”;
- (iii) after paragraph 22 (refusal or cancellation of registration), insert—
  - “**22A.** Refusal at any time of P’s application for registration as a provider of a child care agency under section 59 of the Public Services Reform (Scotland) Act 2010 or cancellation of any such registration under section 64 or 65 of that Act.”;
- (b) in Schedule 2, after paragraph 1(6) insert—
  - “(7) An offence under any of the following sections of the Regulation of Care (Scotland) Act 2001—
    - (a) section 21 (offences in relation to registration);
    - (b) section 22 (false statements in applications); or
    - (c) section 29(10) (offences under regulations).”;
- (c) in Schedule 3 (specified offences), for paragraph 2(8) (offences relating to a care home service, child minding or day care of children) substitute—
  - “(8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following sections of the Public Services Reform (Scotland) Act 2010—
    - (a) section 78 (offences under regulations);
    - (b) section 80 (offences relating to registration); or
    - (c) section 81 (false statements in applications).”.

*Child Minding and Day Care (Disqualification) (Wales) Regulations 2010*

- 65.** In the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010<sup>(66)</sup>—
- (a) in Schedule 1 (orders etc. relating to the care of children)—
    - (i) in paragraph 17 (refusal or cancellation of registration)—
      - (aa) omit “or” where it occurs after sub-paragraph (e);
      - (bb) after sub-paragraph (f) insert—
        - “;or
        - (g) Part 5 of the Public Services Reform (Scotland) Act 2010.”;
    - (ii) in paragraph 20 (refusal of or disqualification from registration)—
      - (aa) omit “or” where it occurs after sub-paragraph (h);
      - (bb) after sub-paragraph (i) insert—
        - “;or

<sup>(66)</sup> S.I. 2010/1703, to which there are amendments not relevant to this Schedule.

- (j) Part 5 of the Public Services Reform (Scotland) Act 2010.”;
- (iii) after paragraph 23 (refusal or cancellation of registration) insert—
- “**23A.** Refusal at any time of P’s application for registration as a provider of a child care agency under section 59 of the Public Services Reform (Scotland) Act 2010 or cancellation of any such registration under section 64 or 65 of that Act.”;
- (b) in Schedule 2 (repealed statutory offences) after paragraph 1(6) insert—
- “(7) An offence under or by virtue of any of the following sections of the Regulation of Care (Scotland) Act 2001—
- (a) section 21 (offences in relation to registration);
  - (b) section 22 (false statements in applications); or
  - (c) section 29(10) (offences under regulations).”;
- (c) in Schedule 3 (specified offences) for paragraph 2(8) (offences relating to a care home service, child minding or day care of children) substitute—
- “(8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following sections of the Public Services Reform (Scotland) Act 2010—
- (a) section 78 (offences under regulations);
  - (b) section 80 (offences relating to registration); or
  - (c) section 81 (false statements in applications).”.

*Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Cymru) 2010*

- 66.** Yn Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Cymru) 2010(**67**)—
- (a) yn Atodlen 1 (gorchmynion etc mewn perthynas â gofal plant).
- (i) ym mharagraff 17 (gwrthod neu ddiddymu cofrestriad)—
- (aa) hepgorer “neu” pan fo’n digwydd ar ôl is-baragraff (d);
  - (bb) ar ôl is-baragraff (dd) mewnosoder—  
“;neu  
(e) Rhan 5 o Ddeddf Diwygio’r Gwasanaethau Cyhoeddus (Yr Alban) 2010.”;
- (ii) ym mharagraff 20 (gwrthod neu anghymhwysu rhag cofrestriad)—
- (aa) hepgorer “neu” pan fo’n digwydd ar ôl is-baragraff (f);
  - (bb) ar ôl is-baragraff (ff) mewnosoder—  
“;neu  
(g) Rhan 5 o Ddeddf Diwygio’r Gwasanaethau Cyhoeddus (Yr Alban) 2010.”;
- (iii) ar ôl paragraff 23 (gwrthod neu ddiddymu cofrestriad) mewnosoder—
- “**23A.** Gwrthod, ar unrhyw adeg, cais gan P i gofrestru fel darparwr asiantaeth gofal plant o dan adran 59 o Ddeddf Diwygio’r Gwasanaethau Cyhoeddus (Yr Alban) 2010 neu ddiddymu unrhyw gofrestrriad o’r fath o dan adran 64 neu 65 o’r Ddeddf honno.”;

(67) O.S. 2010/1703 (Cy.163), y mae iddi ddiwygiadau nad ydynt yn berthnasol i’r Atodlen hon.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
*The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 No. 2581*

- (b) yn Atodlen 2 (tramgwyddau statudol a ddiddymwyd) ar ôl paragraff 1(6) mewnosoder—
- “(7) Tramgwydd o dan neu yn rhinwedd unrhyw un neu ragor o adrannau canlynol Deddf Rheoleiddio Gofal (Yr Alban) 2001—
- (a) adran 21 (tramgwyddau ynglŷn â chofrestru);
  - (b) adran 22 (datganiadau ffug mewn ceisiadau); neu
  - (c) adran 29(10) (tramgwyddau o dan reoliadau).”;
- (c) yn Atodlen 3 (tramgwyddau penodedig) rhodder y canlynol yn lle paragraff 2(8) (tramgwyddau mewn perthynas â gwasanaeth cartref gofal, gwarchod plant neu ofal dydd i blant)—
- “(8) Tramgwydd mewn perthynas â gwasanaeth cartref gofal, gofal plant neu ofal dydd i blant, o dan neu yn rhinwedd unrhyw un neu ragor o adrannau canlynol Deddf Diwygio'r Gwasanaethau Cyhoeddus (Yr Alban) 2010—
- (a) adran 78 (tramgwyddau o dan reoliadau);
  - (b) adran 80 (tramgwyddau ynglŷn â chofrestru); neu
  - (c) adran 81 (datganiadau ffug mewn ceisiadau).”.

*Medical Profession (Responsible Officers) Regulations 2010*

**67.** In paragraph 18 of the Schedule to the Medical Profession (Responsible Officers) Regulations 2010(**68**) (designated bodies) for “section 2(5) of the Regulation of Care (Scotland) Act 2001” substitute “section 10F(1)(a) to (d) of the National Health Service (Scotland) Act 1978”.