

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5 **E+W**

Section 62

#### AMENDMENTS TO DO WITH PART 2

#### PART 1 **E+W**

##### GENERAL AMENDMENTS

##### *London County Council (General Powers) Act 1920*

- 1 In section 18(e) of the London County Council (General Powers) Act 1920, after “under the Health and Social Work Professions Order 2001” insert “or section 39(1) of the Children and Social Work Act 2017”.

##### **Commencement Information**

- I1** Sch. 5 para. 1 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

##### *Medicines Act 1968*

- 2 In section 58 of the Medicines Act 1968, omit subsection (1ZA).

##### **Commencement Information**

- I2** Sch. 5 para. 2 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

##### *Video Recordings Act 1984*

- 3 In section 3 of the Video Recordings Act 1984, omit subsection (11A).

##### **Commencement Information**

- I3** Sch. 5 para. 3 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

##### *London Local Authorities Act 1991*

- 4 In section 4 of the London Local Authorities Act 1991, in paragraph (c) of the definition of “establishment for special treatment”, after “under the Health and Social Work Professions Order 2001” insert “or section 39(1) of the Children and Social Work Act 2017”.

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Value Added Tax Act 1994*

5 In Part 2 of Schedule 9 to the Value Added Tax Act 1994, in the Notes to Group 7, omit note (2ZA).

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Data Protection Act 1998*

<sup>F16</sup> .....

**Textual Amendments**

**F1** Sch. 5 para. 6 omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 211\(a\)](#) (with ss. 117, 209, 210); [S.I. 2019/1434](#), [reg. 2\(a\)](#)

*Care Standards Act 2000*

7 The Care Standards Act 2000 is amended as follows.

**Commencement Information**

**I6** Sch. 5 para. 7 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 8 (1) Section 55 is amended as follows.
- (2) In subsection (2) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, omit paragraph (a).
- (3) Until the coming into force of the substitution of subsection (2) by the Regulation and Inspection of Social Care (Wales) Act 2016, the old version has effect as if in paragraph (a) after “social work” there were inserted “ in Wales ”.
- (4) In subsection (3) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, omit paragraph (k).

**Commencement Information**

**I7** Sch. 5 para. 8 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 9 (1) Section 67 is amended as follows.
- (2) Omit subsection (1A).

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

- (3) In subsection (2) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016—
- (a) omit paragraph (a) (including the “and” at the end), and
  - (b) in paragraph (b), omit “other”.
- (4) Until the coming into force of the substitution of subsection (2) by the Regulation and Inspection of Social Care (Wales) Act 2016, the old version has effect as if the words from “courses”, in the first place it occurs, to “social workers” were omitted.

**Commencement Information**

**I8** Sch. 5 para. 9 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Health and Social Work Professions Order 2001*

- 10 The Health and Social Work Professions Order 2001 (SI 2002/254) is amended as follows.

**Commencement Information**

**I9** Sch. 5 para. 10 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 11 (1) Article 3 is amended as follows.
- (2) In paragraph (5)(b)—
- (a) in paragraph (ii), after “registrants or” insert “ other ”;
  - (b) at end of paragraph (iv) insert “ and ”;
  - (c) omit paragraphs (vi) and (vii).
- (3) Omit paragraph (5AA).

**Commencement Information**

**I10** Sch. 5 para. 11 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 12 In article 6(3)(aa), omit “or social work”.

**Commencement Information**

**I11** Sch. 5 para. 12 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 13 In article 7(4), omit “or social work”.

**Commencement Information**

**I12** Sch. 5 para. 13 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 14 (1) Article 9 is amended as follows.
- (2) Omit paragraph (3A).

*Changes to legislation: There are currently no known outstanding effects for the  
 Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

(3) In paragraph (8), omit “or social work”.

**Commencement Information**

**I13** Sch. 5 para. 14 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 15 (1) Article 10 is amended as follows.
- (2) In paragraph (6), omit “or social work”.
- (3) Omit paragraph (7).

**Commencement Information**

**I14** Sch. 5 para. 15 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 16 In article 11A, omit paragraph (11).

**Commencement Information**

**I15** Sch. 5 para. 16 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 17 (1) Article 12 is amended as follows.
- (2) In paragraph (1)—
- (a) at the end of sub-paragraph (b) insert “ or ”;
- (b) omit sub-paragraph (d) and the “or” before it.
- (3) In paragraph (2)—
- (a) at the end of sub-paragraph (a) insert “ and ”;
- (b) omit sub-paragraph (c) and the “and” before it.

**Commencement Information**

**I16** Sch. 5 para. 17 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 18 (1) Article 13 is amended as follows.
- (2) In paragraph (1), omit “or (1B)”.
- (3) Omit paragraph (1B).

**Commencement Information**

**I17** Sch. 5 para. 18 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 19 For the heading of article 13A substitute “ Visiting health professionals from relevant European States ”.

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I18** Sch. 5 para. 19 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

20 Omit article 13B.

**Commencement Information**

**I19** Sch. 5 para. 20 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

21 In article 19(2A)(b), omit “or social work”.

**Commencement Information**

**I20** Sch. 5 para. 21 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

22 In article 20, omit the words from “; but the reference” to the end.

**Commencement Information**

**I21** Sch. 5 para. 22 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 23 (1) Article 37 is amended as follows.
- (2) In paragraph (1)(aa), omit “or social work”.
  - (3) Omit paragraph (1B).
  - (4) In paragraph (5A)(a), omit the words from “or registered as a social worker” to the end of that sub-paragraph.
  - (5) In paragraph (8), omit “(other than a hearing on an appeal relating to a social worker in England)”.
  - (6) Omit paragraph (8A).

**Commencement Information**

**I22** Sch. 5 para. 23 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 24 (1) Article 38 is amended as follows.
- (2) Omit paragraph (1ZA).
  - (3) In paragraph (4), omit “(subject to paragraph (5))”.
  - (4) Omit paragraph (5).

**Commencement Information**

**I23** Sch. 5 para. 24 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

25 In article 39, omit paragraph (1A).

*Changes to legislation: There are currently no known outstanding effects for the  
 Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I24** Sch. 5 para. 25 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 26 In Schedule 1, in paragraph 1A(1)(b), omit paragraph (ia) (but not the “and” at the end).

**Commencement Information**

**I25** Sch. 5 para. 26 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

- 27 (1) In Schedule 3, paragraph 1 is amended as follows.
- (2) In the definition of “visiting health or social work professional from a relevant European state”, omit “or social work” in both places.
- (3) In the definition of “relevant professions”, omit “social workers in England;”.
- (4) Omit the definition of “social worker in England”.

**Commencement Information**

**I26** Sch. 5 para. 27 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

*Adoption and Children Act 2002*

- 28 (1) In section 10 of the Adoption and Children Act 2002, in subsection (2), for “, one of the registers maintained under” substitute “—
- (a) the register of social workers in England maintained under section 39 of the Children and Social Work Act 2017,
- (b) any register of social care workers in England maintained under an Order in Council under section 60 of the Health Act 1999 or any register maintained under such an Order in Council so far as relating to social care workers in England, or
- (c) the register maintained under”.
- (2) Until the coming into force of the amendment made by sub-paragraph (1), section 10(2) of the Adoption and Children Act 2002 is to have effect as if the reference to the registers mentioned there included a reference to the part of the register maintained under article 5 of the Health and Social Work Professions Order 2001 that relates to social workers in England.

**Commencement Information**

**I27** Sch. 5 para. 28 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

*Income Tax (Earnings and Pensions) Act 2003*

- 29 In section 343(2) of the Income Tax (Earnings and Pensions) Act 2003, in paragraph 1 of the Table, after sub-paragraph (r) insert—

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*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

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“(s) the register of social workers in England kept under section 39(1) of the Children and Social Work Act 2017.”

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**Commencement Information**

**I28** Sch. 5 para. 29 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*National Health Service Act 2006*

30 In section 126 of the National Health Service Act 2006, for subsection (4A) substitute—

“(4A) Subsection (4)(h) does not apply to persons in so far as they are registered as social care workers in England (within the meaning of section 60 of the Health Act 1999).”

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**Commencement Information**

**I29** Sch. 5 para. 30 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*National Health Service (Wales) Act 2006*

31 In section 80 of the National Health Service (Wales) Act 2006, for subsection (4A) substitute—

“(4A) Subsection (4)(h) does not apply to persons in so far as they are registered as social care workers in England (within the meaning of section 60 of the Health Act 1999).”

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**Commencement Information**

**I30** Sch. 5 para. 31 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Armed Forces Act 2006*

32 In section 257(3) of the Armed Forces Act 2006, for paragraph (a) substitute—  
“(a) Social Work England;”.

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**Commencement Information**

**I31** Sch. 5 para. 32 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Safeguarding Vulnerable Groups Act 2006*

33 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

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**Commencement Information**

**I32** Sch. 5 para. 33 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

34 In section 41(7), in the table, after entry 10 insert—

<p>““11 The register of social workers in England kept under section 39(1) of the Children and Social Work Act 2017</p>	<p>The registrar appointed under section 39(3)(a) of the Children and Social Work Act 2017 or, in the absence of such an appointment, Social Work England”.”</p>
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**Commencement Information**

**I33** Sch. 5 para. 34 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

35 In Schedule 3, in paragraph 16(4), after paragraph (l) insert—  
“(m) Social Work England.”

**Commencement Information**

**I34** Sch. 5 para. 35 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

*Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)*

36 In section 30A(6) of the Protection of Vulnerable Groups (Scotland) Act 2007—  
(a) omit “the social work profession in England or”;  
(b) for “each of those expressions having the same meaning as in” substitute “within the meaning of”.

**Commencement Information**

**I35** Sch. 5 para. 36 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**

*Children and Young Persons Act 2008*

37 (1) In section 2 of the Children and Young Persons Act 2008, in subsection (6), for paragraph (a) substitute—  
“(a) in the register maintained by Social Work England under section 39(1) of the Children and Social Work Act 2017;”.

(2) Until the coming into force of the amendment made by sub-paragraph (1), section 2(6)(a) of the Children and Young Persons Act 2008 is to have effect as if the reference to the register mentioned there were to a register maintained under article 5 of the Health and Social Work Professions Order 2001.

**Commencement Information**

**I36** Sch. 5 para. 37 in force at 2.12.2019 by [S.I. 2019/1436](#), **reg. 2(s)**



*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

*Health and Social Care Act 2012*

38 In the Health and Social Care Act 2012 omit sections 213, 215 and 216.

**Commencement Information**

**I37** Sch. 5 para. 38 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

*Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)*

39 The Regulation and Inspection of Social Care (Wales) Act 2016 is amended as follows.

**Commencement Information**

**I38** Sch. 5 para. 39 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

40 In section 111(4)(b)—

- (a) in the Welsh text, for “Cyngor y Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
- (b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

**Commencement Information**

**I39** Sch. 5 para. 40 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

41 In section 117(4)(a)—

- (a) in the Welsh text, after “Gofal” insert “ neu Waith Cymdeithasol Lloegr ”;
- (b) in the English text, after “Council” insert “ or Social Work England ”.

**Commencement Information**

**I40** Sch. 5 para. 41 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

42 In section 119(4)(a)(ii)—

- (a) in the Welsh text, for “y Cyngor Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
- (b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

**Commencement Information**

**I41** Sch. 5 para. 42 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

43 In section 125(5)(a)(ii)—

- (a) in the Welsh text, for “y Cyngor Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
- (b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I42** Sch. 5 para. 43 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 44 In section 174(5)(a)(ii)—
- (a) in the Welsh text, for “Cyngor y Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
  - (b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

**Commencement Information**

**I43** Sch. 5 para. 44 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

**PART 2** E+W

RENAMING OF HEALTH AND SOCIAL WORK PROFESSIONS ORDER 2001

- 45 For the title to the Health and Social Work Professions Order 2001 (SI 2002/254) substitute “Health Professions Order 2001”.

**Commencement Information**

**I44** Sch. 5 para. 45 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 46 In article 1(1) of that Order (citation), for “the Health and Social Work Professions Order 2001” substitute “the Health Professions Order 2001”.

**Commencement Information**

**I45** Sch. 5 para. 46 in force at 2.12.2019 by [S.I. 2019/1436](#), [reg. 2\(s\)](#)

- 47 In the following provisions, for “the Health and Social Work Professions Order 2001” substitute “the Health Professions Order 2001”
- (a) section 18(e) of the London County Council (General Powers) Act 1920;
  - (b) section 3(11) of the Video Recordings Act 1984;
  - (c) 114ZA(4) of the Mental Health Act 1983;
  - (d) paragraph (E) in the entry for the London County Council (General Powers) Act 1920 in Schedule 2 to the Greater London Council (General Powers) Act 1984;
  - (e) paragraph (c) of the definition of “establishment for special treatment” in section 4 of the London Local Authorities Act 1991;
  - (f) item 1(c) in Group 7, in Part 2 of Schedule 9 to the Value Added Tax Act 1994;
  - <sup>F2</sup>(g) .....
  - (h) section 60(2)(c) of the Health Act 1999;
  - (i) sections 25C(8)(h) and 29(1)(j) of the National Health Service Reform and Health Care Professions Act 2002;

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5. (See end of Document for details)*

- (j) section 126(4)(a) of the National Health Service Act 2006;
- (k) section 80(4)(a) of the National Health Service (Wales) Act 2006;
- (l) entry 10 in the table in section 41(7) of the Safeguarding Vulnerable Groups Act 2006.

**Textual Amendments**

**F2** Sch. 5 para. 47(g) omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 211\(b\)](#) (with ss. 117, 209, 210); S.I. 2019/1434, reg. 2(a)

**Commencement Information**

**I46** Sch. 5 para. 47 in force at 2.12.2019 by [S.I. 2019/1436](#), reg. 2(s)

48 In the definition of “registered psychologist” in each of the following provisions, for “the Health and Social Work Professions Order 2001” substitute “ the Health Professions Order 2001 ”

- (a) section 307(1) of the Criminal Procedure (Scotland) Act 1995;
- <sup>F3</sup>(b) .....
- (c) section 21(2)(b) of the Criminal Justice (Scotland) Act 2003;
- (d) section 25 of the Gender Recognition Act 2004.

**Textual Amendments**

**F3** Sch. 5 para. 48(b) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**Commencement Information**

**I47** Sch. 5 para. 48 in force at 2.12.2019 by [S.I. 2019/1436](#), reg. 2(s)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 5.