

Status: This is the original version (as it was originally enacted).

SCHEDULE 14

(introduced by section 106)

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: MODIFICATIONS OF ENACTMENTS

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 1 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved bodies)—
 - (a) the entry relating to the Scottish Commission for the Regulation of Care is repealed,
 - (b) at the appropriate place, in alphabetical order, insert—

“Social Care and Social Work Improvement Scotland”.

Regulation of Care (Scotland) Act 2001 (asp 8)

- 2 The Regulation of Care (Scotland) Act 2001 is amended as follows.
- 3 In section 53(2)(b) (codes of practice), for “the Commission” substitute “Social Care and Social Work Improvement Scotland”.
- 4 In section 59 (general principles)—
 - (a) in subsection (1) the words “, the Commission” are repealed,
 - (b) after subsection (4), insert—

“(5) In subsection (2), “care service” means a care service as defined in section 47(1) of the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#).”.
- 5 In section 60 (grants)—
 - (a) in subsection (1), the words “the Commission or to” are repealed,
 - (b) in paragraph (a) of that subsection, for “body in question” substitute “Council”,
 - (c) in paragraph (b) of that subsection, for “that body” substitute “the Council”.
- 6 In section 61 (guarantees)—
 - (a) in subsection (1), the words “the Commission or” are repealed,
 - (b) in subsection (4), the words “the Commission, or as the case may be” are repealed.
- 7 In section 62 (duty of consultation)—
 - (a) the words “Commission and the” are repealed,
 - (b) the word “each” is repealed,
 - (c) for the words “the other” substitute “Social Care and Social Work Improvement Scotland”,
 - (d) for the words “body exercising the function” substitute “Council”.
- 8 In section 63 (guidance as to consultation)—
 - (a) the words “the Commission and to” are repealed,
 - (b) for the words “body in question” substitute “Council”.
- 9 In section 64 (complaints procedure)—
 - (a) in subsection (1)—

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- (i) for the words “The Commission and the Council shall each” substitute “The Council shall”,
- (ii) for the words “body in question” substitute “Council”,
- (b) in subsection (2), for the words “body in question” substitute “Council”,
- (c) in subsection (3), for the words “body in question” substitute “Council”,
- (d) in subsection (4), for the words “body in question” substitute “Council”.

10 In section 65 (inquiries)—

- (a) in subsection (1)—
 - (i) in paragraph (a), the words “by the Commission or” are repealed,
 - (ii) paragraph (b) and the word “or” immediately preceding it are repealed,
- (b) subsection (2) is repealed,
- (c) in subsection (4), paragraph (b) is repealed,
- (d) in subsection (6)—
 - (i) the words “(2) or” are repealed,
 - (ii) paragraph (a) and the word “or” immediately following it are repealed,
- (e) in subsection (7)—
 - (i) the words “by the Commission or” are repealed,
 - (ii) for the words “(2), or as the case may be (3),” substitute “(3)”,
 - (iii) for the words “body in question” substitute “Council”,
 - (iv) for the words “that body” substitute “the Council”,
 - (v) for the word “body”, in the third place it occurs, substitute “Council”,
- (f) in subsection (9), paragraph (a) and the word “or” immediately following it are repealed.

Scottish Public Services Ombudsman Act 2002 (asp 11)

11 In Part 2 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities)—

- (a) paragraph 38 is repealed,
- (b) after paragraph 52 insert—
 - “52A Social Care and Social Work Improvement Scotland.”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

12 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (specified authorities)—

- (a) the entry relating to the Scottish Commission for the Regulation of Care is repealed,
- (b) under the heading “Executive bodies” insert, at the appropriate place in alphabetical order—
 - “Social Care and Social Work Improvement Scotland”.

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

13 The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

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- 14 In section 7 (duty to bring matters generally to the attention of Scottish Ministers and others), for paragraph (f) substitute—
“(f) Social Care and Social Work Improvement Scotland;”.
- 15 In section 8(3) (duty to bring specific matters to the attention of Scottish Ministers and others etc), for paragraph (k) substitute—
“(k) Social Care and Social Work Improvement Scotland;”.
- 16 In section 9(2) (duty to give advice), for paragraph (e) substitute—
“(e) Social Care and Social Work Improvement Scotland;”.
- 17 In section 17(2) (duties of Scottish Ministers, local authorities and others as respects Commission), for paragraph (i) substitute—
“(i) Social Care and Social Work Improvement Scotland;”.
- 18 In section 34(3) (inquiries under section 33: co-operation), for paragraph (c) substitute—
“(c) Social Care and Social Work Improvement Scotland;”.

Adult Support and Protection (Scotland) Act 2007 (asp 10)

- 19 The Adult Support and Protection (Scotland) Act 2007 is amended as follows.
- 20 In section 5(1) (co-operation), for paragraph (b) substitute—
“(b) SCSWIS;”.
- 21 In section 42(3) (Adult Protection Committees), for paragraph (b) substitute—
“(b) SCSWIS;”.
- 22 In section 43 (membership)—
(a) in subsection (2), for “the Care Commission” substitute “SCSWIS”,
(b) in subsection (3), for “The Care Commission” substitute “SCSWIS”.
- 23 In section 44(2)(c) (Adult Protection Committee procedure), for “the Care Commission” substitute “SCSWIS”.
- 24 In section 45(2)(d) (duty to provide information to Adult Protection Committee), for “the Care Commission” substitute “SCSWIS”.
- 25 In section 46(b)(v) (biennial report), for “the Care Commission” substitute “SCSWIS”.
- 26 In section 53(1) (interpretation of Part 1)—
(a) the definition of the Care Commission is repealed,
(b) after the definition of “removal order” insert—
““SCSWIS” means Social Care and Social Work Improvement Scotland;”.

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

- 27 The Protection of Vulnerable Groups (Scotland) Act 2007 is amended as follows.
- 28 In section 8 (provision of prescribed information to the Scottish Ministers by certain persons)—
(a) in subsection (2)—

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- (i) the entry relating to the Scottish Commission for the Regulation of Care in the list of persons to whom the section applies is repealed,
 - (ii) after the entry in that list relating to the Scottish Social Services Council insert—
 - “Social Care and Social Work Improvement Scotland”,
 - (b) in subsection (3)—
 - (i) in paragraph (c), the words “the Scottish Commission for the Regulation of Care and” are repealed,
 - (ii) in that paragraph, for “the Commission or, as the case may be, the Council” substitute “it”,
 - (iii) the word “and” immediately following that paragraph is repealed,
 - (iv) after that paragraph insert—
 - “(ca) in relation to Social Care and Social Work Improvement Scotland, such functions as are conferred on it by virtue of the 2010 Act and any other enactment, and”.
- 29 In section 17(5)(c) (information relevant to listing decisions)—
- (a) sub-paragraph (x) is repealed,
 - (b) the word “or” immediately following sub-paragraph (xi) is repealed,
 - (c) after that sub-paragraph add—
 - “(xii) Social Care and Social Work Improvement Scotland, or”.
- 30 In section 19 (information held by public bodies etc.), in subsection (3)—
- (a) the entry relating to the Scottish Commission for the Regulation of Care in the list of persons who may be required to provide information under subsection (1)(b) of that section is repealed,
 - (b) after the entry in that list relating to the Scottish Social Services Council insert—
 - “Social Care and Social Work Improvement Scotland”.
- 31 In section 30(7) (notice of listing, etc)—
- (a) the entry relating to the Scottish Commission for the Regulation of Care in the list of persons who are “relevant regulatory bodies” is repealed,
 - (b) after the entry in that list relating to the Scottish Social Services Council insert—
 - “Social Care and Social Work Improvement Scotland”.
- 32 In section 73(d) (consideration of suitability), for the words “the 2001 Act” substitute “Part 5 of the 2010 Act”.
- 33 In section 94 (meaning of “protected child”)—
- (a) in subsection (1)(a), for the words “Part 1 of the 2001 Act” substitute “Part 5 of the 2010 Act”,
 - (b) in subsection (3), for the words from “paragraphs” to the end of the subsection substitute “—
 - (a) paragraph (a) of subsection (1) have the same meaning as in schedule 12 to the 2010 Act,
 - (b) paragraph (b)(i) and (ii) of that subsection have the same meaning as in section 105 of that Act”.

- 34 In section 97(1) (general interpretation)—
- (a) after the definition of “the 2001 Act” insert—

““the 2010 Act” means the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#),”
 - (b) in the definition of “care service”, for “the 2001 Act” substitute “Part 5 of the 2010 Act”.
- 35 In schedule 2 (regulated work with children)—
- (a) in paragraph 6, in paragraph (d) of the definition of “responsible person”, for “section 2 of the 2001 Act” substitute “schedule 12 to the 2010 Act”,
 - (b) in paragraph 9, for “the 2001 Act” substitute “schedule 12 to the 2010 Act”,
 - (c) in paragraph 11, for “section 2 of the 2001 Act” substitute “schedule 12 to the 2010 Act”.
- 36 In schedule 3 (regulated work with adults)—
- (a) in paragraph 6, for “the 2001 Act” substitute “schedule 12 to the 2010 Act”,
 - (b) in paragraph 7—
 - (i) for “section 25 of the 2001 Act” substitute “Part 5 of the 2010 Act”,
 - (ii) after “service”, where it ninth occurs, insert “and”,
 - (iii) for the words “the 2001 Act”, where they second occur, substitute “schedule 12 to the 2010 Act”,
 - (c) in the heading to that paragraph, for “the Scottish Commission for the Regulation of Care” substitute “Social Care and Social Work Improvement Scotland”.

Repeals

- 37 The enactments mentioned in the first column of the following table are repealed to the extent specified in the second column.

<i>Enactment</i>	<i>Extent of repeal</i>
Regulation of Care (Scotland) Act 2001 (asp 8)	Parts 1 and 2. Schedule 1.
Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3)	The whole Act.
Adoption and Children (Scotland) Act 2007 (asp 4)	Section 7.