



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 5

MISCELLANEOUS

105 Interpretation of Part 5

(1) In this Part, unless the context otherwise requires—

“act as a child minder” has the meaning given by paragraph 12(1) of schedule 12;
“adoption service” has the meaning given by paragraph 8 of that schedule;
“adult placement service” has the meaning given by paragraph 11 of that schedule;

“care home service” has the meaning given by paragraph 2 of that schedule;

“care service” has the meaning given by section 47(1);

“child”—

- (a) in relation to an adoption service, means a person who is under the age of 18,
- (b) in relation to a fostering service, means a person who is under the age of 18, and
- (c) for the purposes of paragraph 6 of schedule 12, [^{F1}means a person who is under the age of 18]

but otherwise means a person under the age of 16;

“child care agency” has the meaning given by paragraph 5 of schedule 12;

“child minding” has the meaning given by paragraph 12 of that schedule;

“condition notice” has the meaning given by section 66;

“day care of children” has the meaning given by paragraph 13 of schedule 12;

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“domestic premises” means any premises which are wholly or mainly used as a private dwelling;

“fostering service” has the meaning given by paragraph 9 of schedule 12;

“health body” means a Health Board or Special Health Board constituted by order under section 2 of the National Health Service (Scotland) Act 1978 (c. 29);

“health records” means records relating to the physical or mental health of an individual (including dental records and medical records);

“hospital” has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978;

“housing support service” has the meaning given by paragraph 19 of schedule 12;

“improvement notice” has the meaning given by section 62;

“limited registration service” has the meaning given by section 61(5);

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) [F²and, other than in section 51(3), a reference to a local authority includes a person who is providing services in exercise of functions delegated to that person by a local authority in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014.];

“local authority condition notice” has the meaning given by section 85;

“medical records” means records relating to the physical or mental health of an individual which have been prepared by a registered medical practitioner who is, or has been, responsible for the clinical care of the individual;

“mental disorder” has the same meaning as in section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);

“notice” means notice in writing;

“nurse agency” has the meaning given by paragraph 4 of schedule 12;

“offender accommodation service” has the meaning given by paragraph 7 of that schedule;

“personal care” has the meaning given by paragraph 20 of that schedule;

“personal support” has the meaning given by that paragraph;

“premises” includes any vehicle;

“prescribed” means prescribed by order made by the Scottish Ministers;

“provide”, in relation to a care service, means to carry on or manage such a service; and includes, in the case of a care service which is provided by a body corporate, a reference to a director, manager, secretary to other similar officer of the body;

“regulations” means regulations made by the Scottish Ministers;

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by affinity) or step-parent;

“school care accommodation service” has the meaning given by paragraph 3 of schedule 12;

“secure accommodation service” has the meaning given by paragraph 6 of that schedule;

“social services” and “social service” have the meanings given by section 46;

“social work services” has the meaning given by section 48;

“someone who cares for” (or “a person who cares for”) a person has the meaning given by paragraph 20 of schedule 12;

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“SCSWIS” means Social Care and Social Work Improvement Scotland (which is constituted under section 44);

“support service” (except in the expression “housing support service”) has the meaning given by paragraph 1 of schedule 12;

“voluntary organisation” means a body, other than a public or local authority, the activities of which are not carried on for profit; and

“vulnerability or need”, in relation to a person, has the meaning given by paragraph 20 of schedule 12.

- (2) In this Part, a person who uses, or is eligible to use, a social service includes any person to whom that service is, or may be, provided.
- (3) For the purposes of this Part, information is “confidential information” where—
- (a) the identity of an individual is ascertainable—
 - (i) from that information, or
 - (ii) from that information and other information which is in the possession of, or is likely to come into the possession of, the person holding that information, and
 - (b) the information was obtained or generated by a person who, in the circumstances, owed an obligation of confidence to that individual.

Textual Amendments

- F1** Words in s. 105(1) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 19(2)**
- F2** Words in s. 105(1) inserted (1.4.2015) by [The Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(Consequential Modifications and Saving\) Order 2015 \(S.S.I. 2015/157\)](#), art. 1(1), **Sch. para. 10(3)**
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Commencement Information

- I1** S. 105 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, **Sch.**
- I2** S. 105 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, **Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)