

# Care Reform (Scotland) Act 2025

2025 asp 9

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Explanatory Notes have been produced to assist in the  
understanding of this Act and are available separately

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# Care Reform (Scotland) Act 2025

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# Care Reform (Scotland) Act 2025

## 2025 asp 9

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 10th June 2025 and received Royal Assent on 22nd July 2025

An Act of the Scottish Parliament to make provision about the processing of health and social care information; to make provision about the delivery and regulation of social care; and for connected purposes.

### PART 1

#### HEALTH AND SOCIAL CARE INFORMATION

#### CHAPTER 1

#### DIGITAL CARE RECORD

#### 1 Ministers to facilitate creation of records

- (1) The Scottish Ministers must exercise their powers under this Part so that every person who receives health care or a social service in Scotland can have a digital integrated care record.
- (2) The purpose of a digital care record is to—
  - (a) enable Scottish health and social care information to be shared securely and efficiently amongst providers of health care and social services so that people's experiences of health care and social services are as safe and seamless as possible, and
  - (b) ensure that people are, so far as practicable and consistent with data protection legislation, able to access their own Scottish health and social care information in a format accessible to them and exercise control over it.
- (3) For the avoidance of doubt—
  - (a) fulfilling the duty imposed by subsection (1) is not the only purpose for which the Scottish Ministers may exercise their powers under this Part,
  - (b) in order to fulfil that duty, the Scottish Ministers may also exercise other functions.

(4) In this section—

“health care” means a service for or in connection with the prevention, diagnosis or treatment of illness,

“illness” is to be construed in accordance with section 108(1) of the National Health Service (Scotland) Act 1978,

“Scottish health and social care information” means information concerning, or connected with, the provision in Scotland of health care or a social service,

“social service” has the same meaning as it has in Part 5 of the Public Services Reform (Scotland) Act 2010 (see section 46(2) of that Act).

## CHAPTER 2

### INFORMATION SHARING SCHEMES

#### 2 Power to create schemes

- (1) The Scottish Ministers may by regulations provide for a scheme that allows information to be shared in order that public health and social care services can be provided efficiently and effectively.
- (2) Regulations under subsection (1) may in particular—
  - (a) require one person to supply information to another person,
  - (b) specify the purposes for which, and circumstances in which, information shared under a scheme may be used,
  - (c) create sanctions (civil or criminal) for those who fail to comply with the regulations’ requirements.
- (3) For the purposes of this section, a public health and social care service is a service provided in pursuance of—
  - (a) a function conferred by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014, or
  - (b) a function that is exercisable by—
    - (i) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978, or
    - (ii) a special health board constituted under section 2(1)(b) of that Act.
- (4) For the avoidance of doubt, regulations under subsection (1) may provide for information to be shared in order for it to be used not only directly in the performance of the functions mentioned in subsection (3) but also in the performance of any function that supports the efficient and effective provision of public health and social care services (for example, the Scottish Ministers’ functions under section 58 of the Regulation of Care (Scotland) Act 2001).

## CHAPTER 3

### INFORMATION STANDARDS

#### **3 Power to produce standards**

- (1) For the purposes of this Chapter, an information standard is a document, produced by the Scottish Ministers, setting out requirements in relation to the processing of Scottish health and social care information.
- (2) An information standard may set out requirements by reference to another document (including a document which is not in existence when the standard is produced).
- (3) For any requirement it sets out, an information standard must specify—
  - (a) to whom the requirement applies (see section 4), and
  - (b) the information in relation to the processing of which the requirement applies.
- (4) The Scottish Ministers must make any information standard they produce publicly available on the information-standards website.

#### **4 Persons to whom standards may apply**

- (1) The persons to whom a requirement set out in an information standard may be made to apply are—
  - (a) a local authority,
  - (b) an integration joint board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014,
  - (c) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978 (“the NHS Act”),
  - (d) a special health board constituted under section 2(1)(b) of the NHS Act,
  - (e) the Common Services Agency for the Scottish Health Service,
  - (f) Healthcare Improvement Scotland,
  - (g) the Scottish Ministers,
  - (h) a person providing services (whether directly or indirectly) pursuant to an agreement or other arrangement under any of the following provisions of the NHS Act—
    - (i) section 2C (which relates to primary medical services),
    - (ii) section 17C (which relates to personal medical or dental services),
    - (iii) section 17J (which relates to general medical services),
    - (iv) section 25 (which relates to general dental services),
    - (v) section 26 (which relates to general ophthalmic services),
    - (vi) section 27 (which relates to pharmaceutical services),
  - (i) a person providing independent health care services as defined by section 10F of the NHS Act,
  - (j) a person providing a care service as defined by section 47 of the Public Services Reform (Scotland) Act 2010,

- (k) a person providing social work services as defined by section 48 of that Act,
- (l) a person who—
  - (i) provides a product or service to a person mentioned in any of paragraphs (a) to (k), and
  - (ii) knows, or ought to know, that the product or service is (or is to be) used for, or in connection with, electronically processing Scottish health or social care information.
- (2) The Scottish Ministers may by regulations modify this section so as to change, or clarify, the list of persons to whom an information standard may be made to apply.

## **5 Duty to comply with standards**

- (1) A person to whom a requirement set out in an information standard applies must comply with it.
- (2) The Scottish Ministers may by regulations provide for a civil sanction to be imposed on a person who breaches the duty under subsection (1).

## **6 Withdrawal of standards**

- (1) The Scottish Ministers may withdraw an information standard at any time by giving notice on the information-standards website that it is withdrawn.
- (2) When an information standard is withdrawn—
  - (a) the duty under section 3(4) to make it publicly available ceases to apply, and
  - (b) the duty under section 5(1) to comply with it ceases to apply.

## **7 Interpretation of Chapter 3**

- (1) In this Chapter—
  - “information-standards website” means the website maintained by, or on behalf of, the Scottish Ministers with an internet domain name specified by the Scottish Ministers by regulations,
  - “processing” includes doing any of the things referred to in paragraphs (a) to (f) of section 3(4) of the Data Protection Act 2018,
  - “Scottish health and social care information” has the meaning given in section 1(4).
- (2) By regulations, the Scottish Ministers—
  - (a) must amend the definition of “information-standards website” so that it specifies an internet domain name, and
  - (b) may subsequently amend that definition so as to change the internet domain name it specifies.

## PART 2

### REFORMS CONNECTED TO DELIVERY AND REGULATION OF CARE

#### CHAPTER 1

##### MODIFICATIONS TO OTHER ENACTMENTS

###### *Carers*

### **8 Rights to breaks for carers**

- (1) The Carers (Scotland) Act 2016 is modified by subsections (2) to (11).
- (2) After section 8(2) (adult carers: identification of outcomes and needs for support) insert—
  - “(3) A responsible local authority must identify, as a personal outcome that is relevant to an adult carer, the outcome that the adult carer is able to take sufficient breaks.
  - (4) Where an adult carer is not able to take sufficient breaks, a responsible local authority must identify the need for support to enable the adult carer to take sufficient breaks.”.
- (3) In section 9(1) (content of adult carer support plan)—
  - (a) after paragraph (h) insert—

“(ha) if the adult carer’s identified needs include the need for support to enable the adult carer to take sufficient breaks by virtue of section 8(4), information about the support which the responsible local authority provides or intends to provide to the adult carer to meet that need,”
  - (b) in paragraph (j), after “criteria” insert “(except in the case of an identified need as mentioned in paragraph (ha))”,
  - (c) paragraph (k) is repealed.
- (4) After section 14(2) (young carers: identification of outcomes and needs for support) insert—
  - “(3) A responsible authority must identify, as a personal outcome that is relevant to a young carer, the outcome that the young carer is able to take sufficient breaks.
  - (4) Where a young carer is not able to take sufficient breaks, a responsible authority must identify the need for support to enable the young carer to take sufficient breaks.”.
- (5) In section 15(1) (content of young carer statement)—
  - (a) after paragraph (i) insert—

“(ia) if the young carer’s identified needs include the need for support to enable the young carer to take sufficient breaks by virtue of section 14(4), information about the support which the responsible local authority provides or intends to provide to the young carer to meet that need,”
  - (b) in paragraph (k), after “criteria” insert “(except in the case of an identified need as mentioned in paragraph (ia))”,
  - (c) paragraph (l) is repealed.

- (6) In section 21 (duty to set local eligibility criteria)—
- (a) in subsection (2), for “identified” substitute “relevant”,
  - (b) after subsection (4) insert—
    - “(5) In subsection (2), “relevant needs” means identified needs other than any need for support to enable carers to take sufficient breaks that is identified by virtue of section 8(4) or 14(4).”.
- (7) In section 23 (national eligibility criteria)—
- (a) in subsection (2), for “identified” substitute “relevant”,
  - (b) in subsection (3)(c), for “24(3)” substitute “24(2) and (4)”,
  - (c) after subsection (4) insert—
    - “(5) In subsection (2), “relevant needs” means identified needs other than any need for support to enable carers to take sufficient breaks that is identified by virtue of section 8(4) or 14(4).”.
- (8) In section 24 (duty to provide support)—
- (a) in subsection (1)(a), for the words from “section” to “caring” substitute “this section in order to enable the carer to take a break”,
  - (b) in subsection (2), for “eligible needs” substitute “relevant needs that meet the local eligibility criteria”,
  - (c) subsection (3) is repealed,
  - (d) in subsection (4)—
    - (i) in paragraph (a), for “the carer’s eligible needs” substitute “any relevant needs of the carer that meet the local eligibility criteria”,
    - (ii) in paragraph (b), for “the carer’s other identified needs” substitute “any relevant needs of the carer that do not meet the local eligibility criteria”,
  - (e) after subsection (4) insert—
    - “(4A) The responsible local authority must also provide support to the carer to meet any need for support to enable the carer to take sufficient breaks that is identified by virtue of section 8(4) or 14(4).”.
  - (f) in subsection (5)—
    - (i) in the opening words, for “Subsection (4)(a) applies” substitute “Subsections (4)(a) and (4A) apply”,
    - (ii) in paragraph (a), for “eligible needs” substitute “identified needs in question”,
    - (iii) in paragraph (b), for “eligible needs” substitute “identified needs in question”,
  - (g) in subsection (6), for the words from “the”, in the first place where it occurs, to the end substitute ““relevant needs”, in relation to a carer, means the carer’s identified needs other than any need for support to enable the carer to take sufficient breaks that is identified by virtue of section 8(4) or 14(4)”.
- (9) In section 25 (provision of support to carers: breaks from caring)—
- (a) subsection (1) is repealed,

- (b) for subsection (2) substitute—
  - “(2) The Scottish Ministers must by regulations make further provision in connection with the support to be provided to a carer under section 24(4A).
  - (2A) Regulations under subsection (2) may in particular make provision about—
    - (a) the meaning of any reference to sufficient breaks in this Act, which must take account of a carer’s need to have time for rest and leisure,
    - (b) standards or criteria in relation to the sufficiency of such breaks (including the nature, frequency or duration of breaks),
    - (c) forms of support that may enable a carer to take such breaks,
    - (d) where the support is the provision of care for the cared-for person, the role of the cared-for person in relation to how the care is provided.”
  - (c) in subsection (3), for “by virtue of subsection (1)” substitute “under section 24(4A)”,
  - (d) in subsection (4)—
    - (i) for “by virtue of subsection (1)” substitute “under section 24(4A)”,
    - (ii) the words “from caring” are repealed,
  - (e) in subsection (5), for “as a break from caring” substitute “to enable a carer to take a break”.
- (10) In section 31 (duty to prepare local carer strategy)—
  - (a) after subsection (2)(h) insert—

“(ha) plans to promote a variety of providers of support to relevant carers and to promote the variety of support provided,”
  - (b) after subsection (2) insert—

“(2A) In subsection (2), references to support to relevant carers include references to support to enable carers to take a break.”
- (11) After section 41(2) (interpretation) insert—

“(3) In this Act references to a carer taking a break (however expressed) are references to the carer taking a break, either with or without the cared-for person, which entails—

  - (a) taking a break from providing any form of care to the cared-for person, or
  - (b) taking a break from the carer’s normal routine of providing care to the cared-for person by (either or both)—
    - (i) limiting the nature, extent, intensity, or duration of the care provided,
    - (ii) changing the circumstances (including the location) in which the care is provided.”
- (12) The Social Care (Self-directed Support) (Scotland) Act 2013 is modified by subsection (13).

- (13) In section 7(1) (choice of options: adult carers and young carers), after “24(4)” insert “or (4A)”.
- (14) The Social Work (Scotland) Act 1968 is modified by subsection (15).
- (15) In section 87 (charges that may be made for services and accommodation)—
  - (a) in subsection (1), after “24(4)” insert “or (4A)”,
  - (b) in subsection (1A)(a), after “24(4)” insert “or (4A)”.

## **9 Adult carer support plan**

- (1) The Carers (Scotland) Act 2016 is modified as follows.
- (2) After section 6(5) (duty to prepare adult carer support plan) insert—
  - “(5A) The Scottish Ministers must by regulations prescribe timescales for the preparation of adult carer support plans.”.
- (3) Section 7 is repealed.
- (4) In section 41(1) (interpretation), the definition of “terminally ill” is repealed.
- (5) In section 42(2) (regulations), paragraph (b) is repealed.

## **10 Young carer statement**

- (1) The Carers (Scotland) Act 2016 is modified as follows.
- (2) After section 12(7) (duty to prepare young carer statement) insert—
  - “(7A) The Scottish Ministers must by regulations prescribe timescales for the preparation of young carer statements.”.
- (3) Section 13 is repealed.
- (4) In section 42(2) (regulations), paragraph (d) is repealed.

## **11 Minor modifications in relation to carers**

- (1) The Carers (Scotland) Act 2016 is modified by subsections (2) and (3).
- (2) Sections 6(6) and 12(8) are repealed.
- (3) In section 41(1), the definition of “named person” is repealed.
- (4) The Social Care (Self-directed Support) (Scotland) Act 2013 is modified by subsection (5).
- (5) In section 7(1), the words “an adult” in the first place where they occur are repealed.

## **12 Short break services statement**

- (1) The Carers (Scotland) Act 2016 is modified as follows.
- (2) After section 35(2) (short breaks services statements) insert—

“(2A) A short breaks services statement must include information about—

- (a) how the local authority will ensure there is sufficient availability and variety in short break provision in its area to meet the identified needs of carers,
- (b) short break provision that is available in the local authority’s area—
  - (i) during the day (at home or away from home),
  - (ii) overnight (at home or away from home),
  - (iii) at weekends,
  - (iv) outwith term time,
  - (v) for planned and unplanned short breaks,
- (c) how the local authority can adapt short break provision depending on the individual needs of the carer.”.

### **13 Promotion of support for carers**

- (1) The Carers (Scotland) Act 2016 is modified as follows.
- (2) After section 26 insert—

#### **“CHAPTER 3**

##### **DUTY TO PROMOTE TAKE-UP OF SUPPORT BY CARERS**

#### **26A Duty to promote take-up**

- (1) A specified relevant body, in the exercise of its functions, must—
  - (a) consider if a carer may be eligible to receive financial or other support from another relevant body, and
  - (b) take such steps as it considers appropriate to promote take-up of that financial or other support to the carer.
- (2) The Scottish Ministers must by regulations specify the relevant bodies to which subsection (1) applies.
- (3) The Scottish Ministers may by regulations make further provision in relation to the duty under subsection (1), including—
  - (a) a process for a relevant body to identify a carer’s eligibility to receive support,
  - (b) a process for information to be shared between specified relevant bodies about a carer to promote take-up of financial or other support,
  - (c) such other provision as the Scottish Ministers consider appropriate.
- (4) Regulations under this section are subject to the affirmative procedure.”.

*Care homes*

**14 Visits to or by care home residents**

- (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) After section 78A insert—

*“Regulations under section 78: visits to and by adult care home residents*

**78B Identification of Essential Care Supporter**

- (1) The Scottish Ministers must exercise the power under section 78(2) to impose a duty on providers of care home services for adults to—
  - (a) identify for every resident of accommodation provided by the care home service at least one individual as an Essential Care Supporter, unless—
    - (i) doing so would be contrary to the resident’s wishes, or
    - (ii) nobody can be identified who is able and willing to be the resident’s Essential Care Supporter, and
  - (b) maintain a record of the Essential Care Supporters identified.
- (2) The Scottish Ministers must set out in regulations under section 78(2)—
  - (a) the criteria to be applied in determining who a resident’s Essential Care Supporter is, and
  - (b) the consultative process with the resident and others by which that determination is to be made.
- (3) The duty described by subsection (1) must be framed so that a provider of a care home service must have regard to the code published under section 78E in carrying out the duty.

**78C Right to visits: care home residents**

- (1) The Scottish Ministers must exercise the power under section 78(2) to impose a duty on providers of care home services for adults to facilitate visits—
  - (a) to residents of accommodation provided by the care home service (“internal visits”),
  - (b) by residents of accommodation provided by the care home service (“external visits”).
- (2) The duty must be framed so that a provider of a care home service may only suspend visits (specifically or generally) if the provider has reasonable cause to believe that it is essential to do so to prevent a serious risk to the life, health or wellbeing of—
  - (a) in the case of internal visits, persons at the accommodation,
  - (b) in the case of external visits (either or both)—
    - (i) persons at the accommodation, or
    - (ii) persons at the place where the visit would take place, but for the suspension.

- (3) The duty must also be framed so that, where a provider of a care home service has suspended visits due to a serious risk of a kind described in subsection (2), the provider must take all reasonable steps to eliminate or substantially mitigate the risk so that the suspension of visits can be lifted as soon as practicable.
- (4) The duty must also be framed so that, even in cases where a provider of a care home service has reasonable cause to believe that suspending visits is essential to prevent a serious risk, the provider must continue to facilitate visits to or by a resident if—
- (a) either—
- (i) the provider has reasonable cause to believe that, before the suspension of visits is lifted, the resident will have—
- (A) died, or
- (B) undergone, or begun to undergo, a significant deterioration in physical or mental condition, or
- (ii) the provider has reasonable cause to believe that—
- (A) the suspension of visits is causing, or is likely to cause, serious harm to the resident’s health or wellbeing, and
- (B) that harm outweighs the serious risk, and
- (b) the resident and the person visiting, or being visited by, the resident agree to take any action or precaution that the provider reasonably considers would mitigate the serious risk to any extent (other than a negligible one).
- (5) The duty must also be framed so as to create a presumption that the suspension of visits to a resident by the resident’s Essential Care Supporter is likely to cause serious harm to the resident’s health or wellbeing.
- (6) Subsection (4) does not preclude the duty from being framed so as to include other circumstances in which visits to or by a resident must continue to be facilitated.
- (7) The duty must also be framed so that a provider of a care home service must have regard to the code published under section 78E in carrying out the duty.
- (8) Facilitating external visits, as mentioned in subsection (1), does not entail a provider of a care home service—
- (a) taking, or accompanying, a resident somewhere outwith accommodation provided by the care home service, or
- (b) arranging or paying for someone else to do so.

#### **78D Further provision to be made in connection with section 78C**

- (1) The Scottish Ministers must exercise the power under section 78(2) to impose a duty on the providers of care home services for adults to—
- (a) review, following a valid request, its decision about the suspension of internal or external visits,

- (b) notify SCSWIS when the provider suspends internal or external visits.
- (2) The duties described by subsection (1) must be framed—
  - (a) to define what constitutes a valid request to a provider for the purposes of the duty,
  - (b) so that a provider of a care home service must have regard to the code published under section 78E in carrying out the duties.
- (3) Subsection (1)(b) does not preclude the duty from being framed so as to create exceptions to the requirement to notify SCSWIS in relation to the suspension of internal or external visits.
- (4) In this section—
  - (a) references to internal and external visits are to be construed in accordance with section 78C(1),
  - (b) references to suspending them cover doing so specifically or generally.

**78E Code of practice on care home residents’ right to visits**

- (1) The Scottish Ministers must prepare a code of practice providing guidance on fulfilling the duties imposed in accordance with sections 78B(1), 78C(1) and 78D(1).
- (2) The code must provide that in fulfilling those duties the following are to be treated as paramount considerations—
  - (a) the importance to residents of visits in—
    - (i) promoting their dignity,
    - (ii) promoting their physical and mental health and emotional wellbeing, and
    - (iii) realising their human rights,
  - (b) the importance of recognising and supporting the vital role that people who are not care home staff (for example close relatives and friends) play, alongside staff, in providing their loved ones with regular care (including companionship, personal support and advocacy).
- (3) The code may—
  - (a) provide guidance on how to—
    - (i) implement an effective visiting policy,
    - (ii) adapt personal care plans to include residents’ visiting preferences or requirements,
    - (iii) communicate timeously in writing with those affected about any change to visiting arrangements including the reasons for the change,
  - (b) set out what the Scottish Ministers consider constitutes best practice in—
    - (i) facilitating visits,

- (ii) care home staff working collaboratively with residents and their friends and families to facilitate visits in the way that best supports residents' needs,
  - (c) give examples of—
    - (i) the means which providers could use to eliminate or mitigate a serious risk of a kind described in section 78C(2),
    - (ii) factors which may be taken into account in making an assessment about whether the harm caused to a resident in suspending visits outweighs the risk,
  - (d) any other guidance relating to fulfilling the duties mentioned in subsection (1) that the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must—
  - (a) publish the code in a manner that is accessible to the public within the period of one year beginning with the day on which this section comes into force,
  - (b) review and, if they consider it appropriate, prepare and publish a new version of the code in such manner as they consider appropriate by the end of each review period, and
  - (c) take such steps as they consider appropriate to promote awareness of the code to providers of care home services for adults.
- (5) In carrying out a review of the code, the Scottish Ministers must—
  - (a) have particular regard to any representations that have been made to them about the most recent version of the code by—
    - (i) providers of care home services for adults and their staff,
    - (ii) the residents of accommodation provided by those services,
    - (iii) those residents' family, friends and other visitors, and
  - (b) invite, and take into account, views from SCSWIS on—
    - (i) whether, since the most recent version of the code was published—
      - (A) any trends have emerged in the suspension of internal or external visits (see section 78C(1)),
      - (B) it has identified any areas of concern, or examples of good practice, in relation to the discharge of the duties imposed in accordance with sections 78B(1), 78C(1) and 78D(1),
      - (C) meaningful regard is being had to the code by the providers of adult care home services,
    - (ii) what changes to the code would be appropriate.
- (6) Before publishing any version of the code, the Scottish Ministers must consult—
  - (a) SCSWIS,
  - (b) Public Health Scotland,

- (c) such persons, or groups of persons, who they consider represent the interests of—
  - (i) providers of care home services for adults,
  - (ii) the residents of accommodation provided by such care home services, and
  - (iii) the families of such residents.
- (7) When the Scottish Ministers publish a version of the code, they must also publish an adaptation of that version of the code designed to be understood by people with learning difficulties or other conditions affecting how they process information.
- (8) In this section, “review period” means the period of 5 years beginning with the day on which the latest version of the code was published.

**78F Interpretation of sections 78B to 78E**

In sections 78B to 78E—

- “care home service for adults” has the meaning given in section 82F,
- “Essential Care Supporter”, in relation to a resident of accommodation provided by a care home service, means the individual recorded as the resident’s Essential Care Supporter in fulfilment of the duty imposed in accordance with section 78B(1),
- “provider”, in relation to a care home service, is to be construed in accordance with the definition of “provide” in section 105.

**78G Review of operation of duties imposed in accordance with sections 78B to 78D**

- (1) The Scottish Ministers must prepare, and make publicly available, a report on the operation of the duties imposed on providers of care home services for adults in accordance with sections 78B(1), 78C(1) and 78D(1).
- (2) The duty under subsection (1) must be fulfilled within 2 years of this section coming into force.”.

*Health and social care integration*

**15 Integration principles**

- (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.
- (2) After section 53 insert—

**“53A Power to modify integration planning and delivery principles**

The Scottish Ministers may by regulations modify—

- (a) section 4 so as to change the integration planning principles,
- (b) section 31 so as to change the integration delivery principles.”.

- (3) In section 69 (subordinate legislation), in subsection (2), for “and 20” substitute “, 20 and 53A”.

### *Commissioning*

## **16 Reserving right to participate in procurement by type of organisation**

- (1) The Public Contracts (Scotland) Regulations 2015 (S.S.I. 2015/446) are modified as follows.
- (2) After regulation 76 insert—

### **“Reserved contracts for certain services**

**76A.**—(1) Contracting authorities may reserve to qualifying organisations the right to participate in procedures for the award of reservable contracts.

(2) Where a contracting authority exercises the power of reservation conferred by paragraph (1), the call for competition must make reference to this regulation.

(3) The power of reservation conferred by paragraph (1) is without prejudice to the power conferred by regulation 21.

(4) A reservable contract is a contract that—

- (a) is to be awarded in accordance with this Section,
- (b) is for the provision of a service, or more than one service, that constitutes, or is otherwise connected to, the provision of a service in pursuance of—
- (i) a function conferred by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014, or
- (ii) a function that is exercisable by a health board or a special health board constituted under section 2(1)(a) or, as the case may be, (b) of the National Health Service (Scotland) Act 1978, and
- (c) is exclusively for a service, or more than one service, covered by one of the following CPV codes: 75200000-8, 75231200-6, 75231240-8, 79611000-0, 79622000-0, 79624000-4, 79625000-1, a code in the range beginning with 85000000-9 and ending with 85323000-9, 98133100-5, 98133000-4, 98200000-5, 98500000-8 and a code in the range beginning with 98513000-2 and ending with 98514000-9.

(5) An organisation is a qualifying organisation if—

- (a) it is an organisation that exists solely to provide benefits for society or the environment,
- (b) it is neither—
- (i) established by an enactment, nor
- (ii) subject to control by a person established by an enactment,
- (c) its profits (if any) are not expended except by way of—
- (i) reinvestment with a view to providing the benefits for society or the environment that the organisation exists to provide, or
- (ii) distribution to the community that the organisation exists to provide benefits to.

(6) For the purpose of paragraph (5)(b), an organisation is subject to the control of a person established by an enactment if a decisive influence over the strategic objectives and significant decisions of the organisation is exercised by—

- (a) a person established by an enactment,
- (b) a person that, by virtue of this paragraph, would itself be treated as subject to the control of a person established by an enactment,
- (c) more than one person described by sub-paragraph (a) or (b) acting jointly.

(7) The Scottish Ministers may by regulations change—

- (a) the CPV codes specified in paragraph (4)(c),
- (b) the meaning of qualifying organisation.

(8) The power conferred by paragraph (7) may be exercised to make different provision for different purposes.”.

## **17 Threshold for Public Contracts (Scotland) Regulations 2015 to apply**

- (1) The Public Contracts (Scotland) Regulations 2015 are modified as follows.
- (2) After regulation 5A insert—

### **“Power to amend threshold for contracts related to health and social care**

**5B.**—(1) The Scottish Ministers may by regulations modify regulation 5 so as to change the estimated value that a relevant contract must have, or exceed, in order for these Regulations to apply in relation to it.

(2) In paragraph (1), “a relevant contract” means a public service contract that is exclusively for the provision of a service, or more than one service, covered by a CPV code mentioned in regulation 76A(4)(c).”.

## **18 Ethical commissioning guidance**

- (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.
- (2) After section 53 insert—

### **“53A Ethical commissioning guidance**

- (1) The Scottish Ministers must issue guidance under section 53 on ethical commissioning.
- (2) In setting out what ethical commissioning entails, the guidance must address the fair treatment of workers (including workers recruited from overseas).
- (3) Before issuing any guidance under section 53 on ethical commissioning, the Scottish Ministers must consult—
  - (a) the persons mentioned in section 5(2), and
  - (b) each integration joint monitoring committee.”.

## **19 Procurement strategies**

- (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.

- (2) In section 15 (procurement strategy)—
- (a) in subsection (5), after paragraph (c) insert—
- “(ca) if the authority intends to carry out regulated procurements in connection with functions delegated to an integration authority, include a statement of the contracting authority’s general policy on how it intends to approach those procurements consistently with the integration authority’s strategic plan.”,
- (b) for subsection (7) substitute—
- “(7) For the purposes of construing this section—
- “living wage”, in subsection (5)(b)(iii), means remuneration which is sufficient to ensure an acceptable standard of living,
- “integration authority”, in subsection (5)(ca), has the meaning given in section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014,
- “strategic plan”, in subsection (5)(ca), is to be construed in accordance with section 68(1) of that Act.”.

*Regulation of social services*

**20 Scottish Social Services Council’s power to require information**

- (1) The Regulation of Care (Scotland) Act 2001 is modified as follows.
- (2) After section 50 insert—

*“Information from third parties*

**50A Council’s power to require information**

- (1) The Council may, by notice in writing, require a person to provide it with information.
- (2) A notice under subsection (1) must specify—
- (a) the information required,
- (b) the timescale within which it is to be provided.
- (3) Where information is not provided in accordance with a notice under subsection (1), the Council may apply to the sheriff for an order requiring the person to provide the information within such time as the sheriff may order.
- (4) The sheriff may make an order under subsection (3) only if it appears to the sheriff that the information sought is relevant to the exercise of a function of the Council set out in this Part.
- (5) This section does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.”.
- (3) The italic heading immediately preceding section 57A becomes “Notification of dismissal etc. for misconduct”.
- (4) Section 57B (provision of other information to Council by employer) is repealed.

**21 Delegation of functions under Part 1 of the Regulation of Care (Scotland) Act 2001**

- (1) The Regulation of Care (Scotland) Act 2001 is modified as follows.
- (2) In section 58(4) (functions of the Scottish Ministers under Part 1), after “section” insert “(to such extent as they choose)”.

**22 Cancellation of care service registration**

- (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) In section 64 (cancellation of registration)—
  - (a) in subsection (1), the words “, at any time after the expiry of the period specified in an improvement notice given in respect of a care service,” are repealed,
  - (b) after subsection (1) insert—
 

“(1A) The power in subsection (1) may be exercised—

    - (a) at any time after the expiry of the period specified in an improvement notice given in respect of the care service, or
    - (b) at any time in circumstances which may be prescribed.”.

**23 Assistance in inspections from Healthcare Improvement Scotland**

- (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) After section 57 insert—

**“57A Assistance in inspections from Healthcare Improvement Scotland**

- (1) Healthcare Improvement Scotland may assist SCSWIS in carrying out an inspection under this Part.
- (2) Healthcare Improvement Scotland may charge a reasonable fee determined by it for any assistance provided by virtue of subsection (1).”.

*Protection of adults at risk of harm*

**24 Provision of information by and to health care services**

- (1) The Adult Support and Protection (Scotland) Act 2007 is modified as follows.
- (2) After section 5 insert—

**“5A Disclosure of information by and to certain health care services**

- (1) Where a relevant health care service knows or believes—
  - (a) that a person is an adult at risk, and
  - (b) that action needs to be taken (under this Part or otherwise) in order to protect that person from harm,

the relevant health care service may report the facts and circumstances of the case to the council for the area in which it considers the person to be.
- (2) A relevant health care service may, of its own accord, provide any information to a public body or office-holder listed in, or specified under, section 5(1) for

the purpose of enabling or assisting a council in relation to its duty to make inquiries under section 4.

- (3) The public bodies or office-holders listed in, or specified under, section 5(1) may, so far as consistent with the proper exercise of their functions, provide any information to a relevant health care service for the purpose of enabling or assisting a council in relation to its duty to make inquiries under section 4.
- (4) For the purposes of this section, a “relevant health care service” means an undertaking which consists of or includes the provision of services by—
  - (a) a doctor,
  - (b) a dental practitioner,
  - (c) a dental care professional,
  - (d) a nurse,
  - (e) a midwife,
  - (f) a registered pharmacist,
  - (g) a registered pharmacy technician,
  - (h) an occupational therapist,
  - (i) a paramedic,
  - (j) an optometrist.

- (5) In this section—

“dental practitioner” has the meaning given in section 108(1) of the National Health Service (Scotland) Act 1978,

“dental care professional” has the meaning given in section 10F(2B) of that Act,

“registered pharmacist” has the meaning given in section 108(1) of that Act,

“registered pharmacy technician” has the meaning given in section 10F(2B) of that Act,

“occupational therapist” means a person who is registered in the part of the register maintained by the Health and Care Professions Council under article 5 of the Health Professions Order 2001 (S.I. 2002/254) relating to occupational therapists,

“paramedic” means a person who is registered in the part of the register maintained by the Health and Care Professions Council under article 5 of the Health Professions Order 2001 relating to paramedics,

“optometrist” means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989.

- (6) The Scottish Ministers may by order modify subsections (4) and (5) so as to change or clarify the types of undertaking which are to be treated as a relevant health care service for the purposes of this section.”.

- (3) In section 44 (committee procedure), for subsection (2) substitute—

- “(2) But those procedures must allow committee meetings to be attended by—
- (a) a representative of—
    - (i) the Mental Welfare Commission for Scotland,
    - (ii) the Public Guardian,
    - (iii) SCSWIS (where it has not nominated a representative to be a member of the Committee), and
  - (b) any other person as the Scottish Ministers may by order specify.”.
- (4) After section 45 insert—
- “45A Disclosure of information to the Committee by certain health care services**
- (1) A relevant health care service may provide any information to an Adult Protection Committee which the Committee requests.
  - (2) A Committee may only request information under this section if it appears to it to be appropriate for the purpose of performing its functions.
  - (3) For the purposes of this section, a “relevant health care service” has the meaning given in section 5A(4).”.
- (5) In section 46 (biennial report), in paragraph (vi), for “public body or office-holder” substitute “person”.
- (6) In section 78 (orders), in subsection (4), after “section” insert “5A or”.

*Government social work advice*

**25 National Chief Social Work Adviser and National Social Work Agency**

- (1) The Social Work (Scotland) Act 1968 is modified as follows.
- (2) After section 5 insert—

**“5ZA National Chief Social Work Adviser and National Social Work Agency**

- (1) The Scottish Ministers are to—
  - (a) designate a member of their staff as the National Chief Social Work Adviser to—
    - (i) advise them on policy in relation to social work and the protection of individuals at particular risk of harm, and
    - (ii) prepare an annual report for the Scottish Ministers on the state of social work services and the social work workforce,
  - (b) organise other members of their staff into an agency named the National Social Work Agency to support the National Chief Social Work Adviser.
- (2) The member of staff designated as the National Chief Social Work Adviser must be registered as a social worker in a register that is a relevant register within the meaning of section 52(2) of the Regulation of Care (Scotland) Act 2001.”.

## CHAPTER 2

### MINISTERIAL REGULATION-MAKING FUNCTIONS

#### *Delivery of care*

#### **26 Continuity of services for persons who have a disability**

- (1) The Scottish Ministers must, by regulations, make provision so that where—
- (a) a person who has a disability moves home, causing the person’s only or principal home to cease to be in the area of one local authority (“authority A”) and come to be in the area of another (“authority B”), and
  - (b) authority A was, immediately before that move, providing a community care service to the person,

authority B is under a duty to provide the person with a service that is at least equivalent to that which was being provided to the person by authority A immediately prior to the person’s moving home.

- (2) Under subsection (1) provision may be made—
- (a) making the imposition of the duty described by that subsection depend on certain conditions being met (including, for example, conditions concerning notice being given to the local authorities concerned prior to a person moving home),
  - (b) specifying the duration of that duty,
  - (c) transferring some or all of the cost of complying with that duty from one local authority to another,
  - (d) about determining—
    - (i) what is to be treated as a person’s only or principal home,
    - (ii) what constitutes equivalence in relation to social care services,
  - (e) disapplying or modifying any enactment so far as the Scottish Ministers consider that appropriate for the purpose of fulfilling their duty under subsection (1).

- (3) In this section—

“community care service” is to be construed in accordance with section 12A(8) of the Social Work (Scotland) Act 1968,

“moves home” includes doing anything that causes a change in which property falls to be treated as a person’s only or principal home,

“person who has a disability” means a disabled person as defined by section 16 of the Disabled Persons (Services, Consultation and Representation) Act 1986.

#### **27 Timescales for assessment of persons who have a terminal illness**

- (1) The Scottish Ministers must, by regulations, prescribe a timescale for carrying out in relation to a person who has a terminal illness—
- (a) a first assessment of needs under section 12A of the Social Work (Scotland) Act 1968, and
  - (b) subsequent assessments of need under that section, recognising the importance of support being increased expeditiously as a terminal illness progresses.

- (2) For the purposes of subsection (1), a person has a terminal illness if, having had regard to the relevant guidance, it is the clinical judgement of an appropriate healthcare professional that the person has a progressive disease that can reasonably be expected to cause the individual's death.
- (3) In this section—  
     “appropriate healthcare professional” has the meaning given to that expression by regulations under section 31(2) of the Social Security (Scotland) Act 2018,  
     “relevant guidance” means the latest guidance made publicly available in accordance with paragraph 1(3) of schedule 5 of that Act.

*Advocacy, information and advice*

**28 Independent advocacy**

- (1) The Scottish Ministers must by regulations make provision about the provision, in relation to public social care services, of independent advocacy services.
- (2) Regulations under subsection (1) must include provision—
- (a) setting standards applicable to independent advocacy services provided under or by virtue of the regulations, and
  - (b) for persons providing such services to comply with those standards (including a requirement for arrangements made by any public authority for the provision of independent advocacy services by another person to require such compliance by that other person).
- (3) Standards set by virtue of subsection (2)(a) may, in particular, include provision in relation to—
- (a) the training and experience that an individual providing independent advocacy services must have,
  - (b) service quality,
  - (c) quality assurance processes,
  - (d) record keeping.
- (4) Regulations under subsection (1) must make provision for—
- (a) providers of such independent information, advice, and independent advocacy to—
    - (i) collect anonymised data on the reasons for individuals seeking these services, and
    - (ii) provide that anonymised data to the Scottish Ministers, in a form that maintains the independence of the individual providers of these services,
  - (b) Scottish Ministers, at least once every five years, to—
    - (i) review the data provided under paragraph (a),
    - (ii) prepare and publish a report in relation to the data, such report to include any recommendations that the Scottish Ministers consider appropriate in relation to the improvement of the social care system,

- (c) a report under paragraph (b)(ii) to—
  - (i) include any recommendations that the Scottish Ministers consider appropriate in relation to the improvement of the social care system,
  - (ii) be shared with—
    - (A) each local authority,
    - (B) each health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978.
- (5) For the purposes of this section—
  - (a) “advocacy services” means services of support and representation that are made available for the purpose of enabling the individual to whom they are provided to have as much control of, or capacity to influence, that individual’s care and welfare as is, in the circumstances, appropriate,
  - (b) advocacy services are “independent” if the person providing them is not one of the persons mentioned in subsection (6),
  - (c) a public social care service is a service provided in pursuance of a function conferred by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014.
- (6) The persons referred to in subsection (5)(b) are—
  - (a) the Scottish Ministers,
  - (b) a local authority,
  - (c) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
  - (d) a person of a description specified by the Scottish Ministers by regulations.

## **29 Independent information and advice**

- (1) The Scottish Ministers may by regulations make provision for and about the provision, in relation to public social care services, of independent—
  - (a) information, and
  - (b) advice.
- (2) In this section, “public social care services” is to be construed in accordance with section 28(5).

### **CHAPTER 3**

#### **FURTHER MINISTERIAL FUNCTIONS**

##### *Projecting care needs*

## **30 Report on projected care needs**

- (1) A report on projected social care needs in Scotland over the applicable period must be prepared and made publicly available by the Scottish Ministers before the end of—
  - (a) 2026,

- (b) the year falling 5 years after the previous year in which this duty had to be fulfilled (the first of which is 2031).
- (2) The “applicable period”, in relation to a report under subsection (1), is the period of 10 years beginning with the year after that in which the report is first due to be made publicly available in accordance with that subsection.

*Market monitoring*

**31 Report on social care market**

- (1) The Scottish Ministers must, by the end of each reporting period make publicly available a report on the state of the social care market in Scotland.
- (2) A report under subsection (1) may, in particular, include information about—
  - (a) the composition of the market by reference to such factors such as the scale of the economic operators in the market and their status as for-profit bodies, public bodies or third sector bodies (as defined in section 37(1) of the Community Justice (Scotland) Act 2016),
  - (b) the level of profit being made by operators in the market,
  - (c) the tax status of the operators in the market.
- (3) In this section—
  - “reporting period” means each period of 3 years beginning with 1 April on the year after the year that this section comes into force,
  - “social care market” means the market for the provision of social care services,
  - “social care services” are the following—
    - (a) support services,
    - (b) care home services,
    - (c) adult placement services,
    - (d) housing support services.
- (4) The services listed in the definition of “social care services” in subsection (3) are to be construed in accordance with schedule 12 of the Public Services Reform (Scotland) Act 2010.
- (5) The Scottish Ministers may, by regulations, modify this section so as to change the definition of “social care services”.

**32 Power to obtain information for the purposes of section 31**

- (1) The Scottish Ministers may require a person to supply them with information that—
  - (a) is in the person’s control, and
  - (b) may be relevant to the Scottish Ministers’ function of reporting under section 31.
- (2) A requirement under this section is imposed on a person when the Scottish Ministers give the person written notice specifying—
  - (a) the information the person is required to supply,

- (b) the way in which the person is required to supply it,
  - (c) the time by which the person is to supply it.
- (3) The Scottish Ministers may report the following matters to the Court of Session—
- (a) a person has refused, or failed without reasonable excuse, to comply with a requirement imposed under subsection (1),
  - (b) the Scottish Ministers suspect a person has deliberately destroyed or altered information following the imposition of a requirement to supply it under subsection (1).
- (4) After receiving a report under subsection (3), and hearing any evidence or representations on the matter, the Court may (either or both)—
- (a) make any order for enforcement that it considers appropriate,
  - (b) deal with the matter as if it were a contempt of court.

*Monitoring and promoting fair work*

**33 Fair work strategy**

- (1) The Scottish Ministers must prepare and publish a strategy for monitoring and promoting fair work in the care sector.
- (2) A strategy under subsection (1) must set out—
- (a) what constitutes fair work in the care sector,
  - (b) how the Scottish Ministers intend to monitor the extent to which fair work in the care sector is being achieved, including their plans and processes for—
    - (i) collecting and recording data, and requiring others to collect and record data, on the practices and arrangements in place in relation to fair work in the care sector,
    - (ii) analysing that data to assess the extent to which the practices and arrangements achieve, or contribute to achieving, fair work in the care sector,
    - (iii) reviewing that data to assess whether there is any improvement in the extent to which the practices and arrangements achieve, or contribute to achieving, fair work in the care sector, and
    - (iv) using that data in preparing and publishing a report under section 34(1),
  - (c) what action (if any) the Scottish Ministers intend to take to—
    - (i) promote fair work in the care sector where they identify a need to improve the extent to which the practices and arrangements in place achieve, or contribute to achieving, fair work in the care sector (for example, issuing guidance on what constitutes good practice), and
    - (ii) review the effect of any such action taken to promote fair work in the care sector.
- (3) A strategy under subsection (1) may—
- (a) include any other information the Scottish Ministers consider appropriate, and

- (b) be in any form they consider appropriate and, in particular, may be part of another document.
- (4) The Scottish Ministers must—
  - (a) prepare and publish the first version of the strategy under subsection (1) before the end of the period of 18 months beginning with the day on which this section comes into force, and
  - (b) before the end of each review period—
    - (i) review the strategy, and
    - (ii) if they consider it appropriate, prepare and publish a new version of the strategy under subsection (1).
- (5) In preparing and reviewing the strategy, the Scottish Ministers must consult the persons mentioned in section 5(2) of the Public Bodies (Joint Working) (Scotland) Act 2014.
- (6) For the purposes of subsection (5), it is immaterial that anything done by way of consultation was done before this section comes into force.
- (7) In this section—
  - “fair work in the care sector” means fair work for individuals employed in the provision of a service provided in pursuance of—
    - (a) a function conferred by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014, or
    - (b) a function that—
      - (i) may be delegated by virtue of section 1(6) of that Act, or
      - (ii) must be delegated by virtue of section 1(8) of that Act,
  - “review period” means the period of 3 years beginning with the day on which the latest version of the strategy was published.

### **34 Report on fair work**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the reporting period, prepare and publish a report on fair work in the care sector.
- (2) The report must include—
  - (a) an assessment of the extent to which fair work in the care sector, as set out in the strategy published under section 33(1), has been achieved during the reporting period,
  - (b) an assessment of whether there has been any improvement in the extent to which fair work in the care sector has been achieved during the reporting period, and
  - (c) if that assessment is that there has been little or no improvement in the extent to which fair work in the care sector has been achieved—
    - (i) why that is the case, and
    - (ii) what action (if any) the Scottish Ministers intend to take to promote, or further promote, fair work in the care sector before the end of the next reporting period.

- (3) The report may include any other information the Scottish Ministers consider appropriate.
- (4) In this section—
  - “fair work in the care sector” has the meaning given in section 33(7),
  - “reporting period” means—
    - (a) the period of one year beginning with the day on which the first version of the strategy under section 33(1) was published, and
    - (b) each subsequent period of one year.

*Monitoring advocacy provision*

**35 Report on independent advocacy services**

- (1) The Scottish Ministers must, before the end of each review period—
  - (a) undertake a review of the provision, in relation to public social care services, of independent advocacy services funded by them, and
  - (b) prepare a report on that review.
- (2) A report under subsection (1)(b) must include—
  - (a) an assessment of the extent of provision of independent advocacy services made available—
    - (i) at the beginning of the review period,
    - (ii) at the end of the review period,
  - (b) an assessment of whether the availability of provision of independent advocacy services has increased during the review period,
  - (c) if that assessment is that the provision of independent advocacy services has not increased—
    - (i) why that is the case, and
    - (ii) what steps (if any) the Scottish Ministers intend to take to ensure the availability of independent advocacy services increases before the end of the next review period.
- (3) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
  - (a) publish the report, and
  - (b) lay a copy of it before the Scottish Parliament.
- (4) For the purposes of this section—
  - (a) the “review period” means—
    - (i) the period of 2 years beginning with the day on which this section comes into force, and
    - (ii) each subsequent period of 4 years until a date specified in regulations made by the Scottish Ministers,
  - (b) expressions used in this section that are also used in section 28 are to be construed in accordance with subsection (5) of that section.

*Advancing sectoral bargaining***36 Sectoral bargaining: guidance etc.**

- (1) The Scottish Ministers must, no later than 2 years after this section comes into force, prepare and publish guidance for contracting authorities on sectoral bargaining in social care procurement.
- (2) Guidance under subsection (1) must include information—
  - (a) on the process of sectoral bargaining,
  - (b) on aims in relation to contract conditions,
  - (c) to be included in contract notices,
  - (d) to be included in bid documents,
  - (e) on the required criteria for an award to be made,
  - (f) on the management of contracts, and
  - (g) on steps to be taken by contracting authorities to ensure contracted providers comply with collective agreements.
- (3) Contracting authorities must have regard to any guidance published under this section.
- (4) The Scottish Ministers must take whatever other steps they consider necessary to support compliance with collective agreements.
- (5) The Scottish Ministers must lay a copy of any guidance published under this section before the Scottish Parliament.
- (6) In this section, “sectoral bargaining” means the application to all contracted or commissioned social care services of the required pay and other conditions of employment that have been negotiated and agreed by employers and trade unions through the relevant national body established by employers associations and trade unions and recognised by the Scottish Government for that purpose.

**PART 3**

## FINAL PROVISIONS

**37 Ancillary provision**

The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.

**38 Regulation-making powers**

- (1) A power to make regulations conferred by this Act includes the power to make different provision for different purposes and areas.
- (2) Regulations under—
  - (a) any of the following provisions may modify any enactment other than this Act: sections 26, 27, 28(1) and 29,

- (b) section 37 may modify any enactment including this Act.
- (3) Regulations under any of the following provisions are subject to the negative procedure: sections 28(6)(d) and 35(4)(a)(ii).
- (4) Regulations under any of the following provisions are subject to the affirmative procedure: sections 2, 4, 5, 26, 27, 28(1), 29 and 31.
- (5) Regulations under section 37—
  - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
  - (b) otherwise, are subject to the negative procedure.

### **39 Commencement**

- (1) The following come into force on the day after Royal Assent: section 30 and this Part.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

### **40 Short title**

The short title of this Act is the Care Reform (Scotland) Act 2025.

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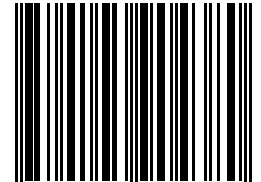
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