

SCHEDULE 1

Article 2

MODIFICATIONS RELATING TO SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

PART 1

MODIFICATIONS OF PRIMARY LEGISLATION

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)

1. In section 50 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1) (events occurring in institutions), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.4.2011, see [art. 1](#)

Sewerage (Scotland) Act 1968 (c.47)

2. In section 59(3A) of the Sewerage (Scotland) Act 1968(2) (interpretation), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.4.2011, see [art. 1](#)

Social Work (Scotland) Act 1968 (c.49)

3. In the Social Work (Scotland) Act 1968(3)—
- (a) in section 10(3A)(4) (financial and other assistance to voluntary organisations)—
 - (i) for “section 2(11)(b) of the Regulation of Care (Scotland) Act 2001”, substitute “paragraph 8(1)(b) of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
 - (ii) for “Part 1” substitute “Part 5”; and
 - (b) after section 13A(2A)(5) (residential accommodation with nursing), insert—

“(2B) In subsection (2)(b) above, “care home service” has the same meaning as in paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8).”.

(1) 1965 c.49; section 50 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8) (“the 2001 Act”), schedule 3, paragraph 2.

(2) 1968 c.47; section 59(3A) was inserted by the 2001 Act, schedule 3, paragraph 3(b).

(3) 1968 c.49.

(4) Section 10(3A) was inserted by the Children Act 1975 (c.72), Schedule 2, paragraph 51(b) and amended by the 2001 Act, schedule 3, paragraph 4(2) and S.S.I. 2010/21.

(5) Section 13A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 56 and subsection (2A) was inserted by the 2001 Act, schedule 3, paragraph 4(3).

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Commencement Information

I3 Sch. 1 para. 3 in force at 1.4.2011, see [art. 1](#)

Water (Scotland) Act 1980 (c.45)

4. In section 50(1)(bb) of the Water (Scotland) Act 1980(6) (power to require supply by meter), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

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Commencement Information

I4 Sch. 1 para. 4 in force at 1.4.2011, see [art. 1](#)

Foster Children (Scotland) Act 1984 (c.56)

5. In the Foster Children (Scotland) Act 1984(7)—
- (a) in section 2(2)(d)(8) (children who are not defined as a “foster child” for the purposes of the Act), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”; and
 - (b) in section 21(1)(9) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

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Commencement Information

I5 Sch. 1 para. 5 in force at 1.4.2011, see [art. 1](#)

Children (Scotland) Act 1995 (c.36)

6. In the Children (Scotland) Act 1995(10)—
- (a) in section 36(3)(d)(11) (welfare of certain children in hospitals and nursing homes etc.), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
 - (b) in section 38(1)(b)(12) (short-term refuges for children at risk of harm), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

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Commencement Information

I6 Sch. 1 para. 6 in force at 1.4.2011, see [art. 1](#)

(6) 1980 c.45; section 50(1)(bb) was inserted by the 2001 Act, schedule 3, paragraph 8(b) and was amended by the Water Industry (Scotland) Act 2002 (asp 3), schedule 6, paragraph 32.

(7) 1984 c.56.

(8) Section 2(2)(d) was amended by the 2001 Act, schedule 3, paragraph 12(2).

(9) Section 21 was relevantly amended by the 2001 Act, schedule 3, paragraph 12(3)(a).

(10) 1995 c.36.

(11) Section 36(3)(d) was inserted by the 2001 Act, schedule 3, paragraph 19(2)(b).

(12) Section 38(1)(b) was amended by the 2001 Act, schedule 3, paragraph 19(3).

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Criminal Procedure (Scotland) Act 1995 (c.46)

7. In section 57A(16) of the Criminal Procedure (Scotland) Act 1995(**13**) (compulsion order), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

17 Sch. 1 para. 7 in force at 1.4.2011, see [art. 1](#)

Adults with Incapacity (Scotland) Act 2000 (asp 4)

8.—(1) The Adults with Incapacity (Scotland) Act 2000(**14**) is amended as follows.

(2) In section 35 (application of Part 4)—

- (a) in subsection (3)(b)(**15**), for “section 7(1) of the Regulation of Care (Scotland) Act 2001” substitute “section 59(1) of the Public Services Reform (Scotland) Act 2010”; and
- (b) in subsection (6)(**16**), for the words from “the” where it first appears to the end substitute—
 - “(a) the Public Services Reform (Scotland) Act 2010 have the same meanings in that subsection as in that Act;”.

(3) For section 40(1)(a)(**17**) (supervisory bodies), substitute—

- “(a) a registered establishment which is—
 - (i) registered under the Public Services Reform (Scotland) Act 2010, Social Care and Social Work Improvement Scotland;”.

(4) In paragraph 1 of schedule 1(**18**) (managers of an establishment)—

- (a) for “the Regulation of Care (Scotland) Act 2001”—
 - (i) the first time it appears, substitute “the Public Services Reform (Scotland) Act 2010”;
 - (ii) the second time it appears, substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”;
- (b) in sub-paragraph (d)(i), for “section 7(2)(b)” substitute “section 59(2)(b)”;
- (c) in sub-paragraph (d)(ii), for “section 33(1)” substitute “section 83(1)”;
- (d) in sub-paragraph (d)(iii), for “section 29(7)(j)” substitute “section 78(2)”.

Commencement Information

18 Sch. 1 para. 8 in force at 1.4.2011, see [art. 1](#)

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

9. For section 77 (interpretation) of the Regulation of Care (Scotland) Act 2001(**19**) substitute—

(13) 1995 c.46; section 57A was inserted by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), section 133.

(14) 2000 asp 4.

(15) Section 35(3)(b) was amended by the 2001 Act, schedule 3, paragraph 23(2)(c).

(16) Section 35(6) was inserted by the 2001 Act, schedule 3, paragraph 23(2)(d).

(17) Section 40(1) was amended by the 2001 Act, schedule 3, paragraph 23(3)(a).

(18) Paragraph 1(d) of schedule 1 was amended by the 2001 Act, schedule 3, paragraph 23(6).

(19) 2001 asp 8; which was relevantly amended by S.I. 2007/3101.

“77. Interpretation

In this Act, unless the context otherwise requires—

“care service” has the meaning given by section 47(1) of the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#);

“the Council” means the Scottish Social Services Council (which is constituted under section 43 of this Act);

“enactment” has the meaning given by section 126(1) of the Scotland Act [1998 \(c.46\)](#);

“equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Schedule 5 to the Scotland Act 1998;

“exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a national of the United Kingdom who is seeking to engage in relevant social work by virtue of an enforceable community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;

and in paragraphs (a) to (c), “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who, by virtue of Article 2 of Protocol No. 3 (Channel Islands and the Isle of Man) to the Treaty of Accession, is not to benefit from Community provisions relating to the free movement of persons and services;

“the General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ([S.I. 2007/2781](#));

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act [1994 \(c.39\)](#);

“notice” means notice in writing;

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

“regulations” means regulations made by the Scottish Ministers;

“relevant European State” means an EEA State or Switzerland;

“social service worker” means a person, other than a person excepted from this definition by regulations, who—

- (a) has an entitling professional qualification in social work (that is to say a qualification which, if the person holding it also satisfies the requirements of subsection (2)(a) and (b) of section 46 of this Act and, except where section 46B of this Act applies, the requirements as to education imposed as mentioned in subsection (2)(c)(i) of that section, entitles that person to be registered in the part for social workers of the register maintained under section 44(1) of this Act); or
- (b) is a visiting social worker from a relevant European State; or
- (c) not being a person mentioned in paragraph (a) or (b) above, is employed in the provision of (or in managing the provision of) a care service; or
- (d) being an employee of Social Care and Social Work Improvement Scotland, is an authorised person by virtue of section 56 of the Public Services Reform (Scotland) Act 2010;

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“social worker” means a person described in paragraph (a) of the definition, above, of “social service worker”;

“visiting social worker from a relevant European state” means a person entitled under section 46A of this Act to be registered in the part of the register maintained under section 44(1) of this Act for visiting social workers from relevant European States; and

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

Commencement Information

I9 Sch. 1 para. 9 in force at 1.4.2011, see [art. 1](#)

Community Care and Health (Scotland) Act 2002 (asp 5)

10. In the Community Care and Health (Scotland) Act 2002(**20**)—

- (a) in section 1(1)(a) (regulations as respects charging and not charging for social care), for “section 2(28) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (b) in section 12(5) (carer information strategies), for “section 2(28) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.4.2011, see [art. 1](#)

Freedom of Information (Scotland) Act 2002 (asp 13)

11. In schedule 1 to the Freedom of Information (Scotland) Act 2002(**21**) (Scottish public authorities)—

- (a) the following paragraphs are repealed—
 - (i) 19 (social work inspectors)(**22**); and
 - (ii) 81 (Scottish Commission for the Regulation of Care); and
- (b) after paragraph 102 (Scottish Water) insert—

“**102A.** Social Care and Social Work Improvement Scotland.”.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.4.2011, see [art. 1](#)

Criminal Justice (Scotland) Act 2003 (asp 7)

12. In the Criminal Justice (Scotland) Act 2003(**23**)—

(20) 2002 asp 5.

(21) 2002 asp 13.

(22) Paragraph 19 was amended by the [Joint Inspection of Children’s Services and Inspection of Social Work Services \(Scotland\) Act 2006 \(asp 3\)](#) (“the 2006 Act”), section 8(2).

(23) 2003 asp 7.

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- (a) in section 14(6)(a)(ii) (victim statements), for “section 2(28) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (b) in section 16(8)(24) (victim’s right to receive information), for “section 2(28) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I12 Sch. 1 para. 12 in force at 1.4.2011, see [art. 1](#)

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

13.—(1) The Mental Health (Care and Treatment) (Scotland) Act 2003(25) is amended as follows.

(2) In section 8(4) (duty to bring specific matters to the attention of the Scottish Ministers and others etc.), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

(3) In section 25(3)(a)(ii) (care and support services etc.), for “section 2(28) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

(4) In section 298(6) (removal to a place of safety from a public place), in the definition of “care service”, for “section 2(1) of the Regulation of Care (Scotland) Act 2001” substitute “section 47(1) of the Public Services Reform (Scotland) Act 2010”.

(5) In section 300(b) (meaning of “place of safety”), for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

(6) In section 329(1)(26) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I13 Sch. 1 para. 13 in force at 1.4.2011, see [art. 1](#)

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

14.—(1) The Antisocial Behaviour etc. (Scotland) Act 2004(27) is amended as follows.

(2) In section 81(3)(b) (interpretation of Part 7)—

- (a) in sub-paragraph (i), for “subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (b) in sub-paragraph (ii), for “subsection (4) of that section” substitute “paragraph 3 of that schedule”; and

(24) Section 16(8) was inserted by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), section 36(b).

(25) 2003 asp 13.

(26) Section 329(1) was relevantly amended by S.S.I. 2005/465.

(27) 2004 asp 8.

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- (c) in sub-paragraph (iv), for “subsection (9) of that section” substitute “paragraph 6 of that schedule”.
- (3) In section 83(6)(a) (application for registration)—
- (a) in sub-paragraph (i), for “subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
 - (b) in sub-paragraph (ii), for “subsection (4) of that section” substitute “paragraph 3 of that schedule”; and
 - (c) in sub-paragraph (iv), for “subsection (9) of that section” substitute “paragraph 6 of that schedule”.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.4.2011, see [art. 1](#)

Fire (Scotland) Act 2005 (asp 5)

15. In section 78(5)(b) of the Fire (Scotland) Act 2005(**28**) (meaning of “relevant premises”), for “subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I15 Sch. 1 para. 15 in force at 1.4.2011, see [art. 1](#)

Management of Offenders etc. (Scotland) Act 2005 (asp 14)

- 16.** In the Management of Offenders etc. (Scotland) Act 2005(**29**)—
- (a) for section 2(2)(c)(**30**) (co-operation for purposes of inspections) substitute—
 - “(c) Social Care and Social Work Improvement Scotland.”; and
 - (b) for section 6(2)(a)(**31**) (power of Scottish Ministers to require action by community justice authority) substitute—
 - “(a) Social Care and Social Work Improvement Scotland.”.

Commencement Information

I16 Sch. 1 para. 16 in force at 1.4.2011, see [art. 1](#)

Housing (Scotland) Act 2006 (asp 1)

17. In section 126(1)(b) of the Housing (Scotland) Act 2006(**32**) (houses in multiple occupation which are exempt from licensing requirement), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

(28) 2005 asp 5.

(29) 2005 asp 14.

(30) Section 2(2)(c) was amended by the 2006 Act, section 8(3)(a).

(31) Section 6(2)(a) was amended by the 2006 Act, section 8(3)(b).

(32) 2006 asp 1.

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Commencement Information

I17 Sch. 1 para. 17 in force at 1.4.2011, see [art. 1](#)

Adoption and Children (Scotland) Act 2007 (asp 4)

18. In section 2(3) of the Adoption and Children (Scotland) Act 2007(**33**) (carrying out of duties imposed by section 1)—

- (a) for “section 2(11)(b) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 8(1)(b) of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (b) for “Part 1” substitute “Part 5”.

Commencement Information

I18 Sch. 1 para. 18 in force at 1.4.2011, see [art. 1](#)

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

19. In the Protection of Vulnerable Groups (Scotland) Act 2007(**34**)—

- (a) in the list of persons in section 19(3)(**35**) (information held by public bodies etc.), the entry relating to “social work inspectors” is repealed;
- (b) in section 97(1)(**36**) (interpretation) the definition of “social work inspector” is repealed;
- (c) in paragraph 1A of schedule 2(**37**) (regulated work with children), in paragraph (d) of the definition of “responsible person”, for “section 2 of the 2001 Act” substitute “schedule 12 to the 2010 Act”;
- (d) in paragraph 8 of Part 3 of schedule 3 (establishments), for “the 2001 Act” substitute “schedule 12 to the 2010 Act”; and
- (e) in the table in schedule 5(**38**) (index) the entry relating to “social work inspector” is repealed.

Commencement Information

I19 Sch. 1 para. 19 in force at 1.4.2011, see [art. 1](#)

Sexual Offences (Scotland) Act 2009 (asp 9)

20.—(1) The Sexual Offences (Scotland) Act 2009(**39**) is amended as follows.

(2) In section 44 (interpretation of section 43)—

(33) [2007 asp 4](#).

(34) [2007 asp 14](#).

(35) Section 19(3) was amended by the Public Services Reform (Scotland) Act [2010 \(asp 8\)](#) (“the 2010 Act”), schedule 14, paragraph 30 and Schedule 17, paragraph 36(b) and [S.I. 2010/231](#).

(36) Section 97(1) was amended by the Policing and Crime Act [2009 \(c.26\)](#) (“the 2009 Act”), section 81(3)(n) and the 2010 Act, schedule 14, paragraph 34 and [S.I. 2010/231](#).

(37) Paragraph 1A will be inserted upon the commencement of article 4 of [S.S.I. 2010/240](#).

(38) Schedule 5 was amended by the 2009 Act, section 81 and [S.I. 2010/231](#).

(39) [2009 asp 9](#).

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- (a) in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8) (“the 2001 Act”)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8) (“the 2010 Act”)”;
 - (b) in the definition of “school care accommodation service”, for “section 2(4) of the 2001 Act” substitute “paragraph 3 of schedule 12 to the 2010 Act”; and
 - (c) in the definition of “secure accommodation service”, for “section 2(9) of the 2001 Act” substitute “paragraph 6 of schedule 12 to the 2010 Act”.
- (3) In section 46(4) (sexual abuse of trust of a mentally disordered person), for the definition of “care service” substitute—
- ““care service” has the meaning given by subsection (1)(a), (b), (d), (f), (g), (j) and (m) of section 47 of the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) as read with paragraphs 1, 2, 4, 6, 7, 11 and 19 of schedule 12 to that Act.”.

Commencement Information

I20 Sch. 1 para. 20 in force at 1.4.2011, see [art. 1](#)

Public Services Reform (Scotland) Act 2010 (asp 8)

21. In schedule 14 to the Public Services Reform (Scotland) Act 2010 (asp 8)(**40**) (modifications of enactments in respect of Social Care and Social Work Improvement Scotland), paragraph 35(a) is repealed.

Commencement Information

I21 Sch. 1 para. 21 in force at 1.4.2011, see [art. 1](#)

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

Council Tax (Exempt Dwellings) (Scotland) Order 1997

22. In paragraph 25(4) of Schedule 1 to the Council Tax (Exempt Dwellings) (Scotland) Order 1997(**41**) (prescribed housing support services accommodation), for the definition of “registered” substitute—

““registered” means that Social Care and Social Work Improvement Scotland has granted an application for registration of a prescribed housing support service under section 60 of the Public Services Reform (Scotland) Act 2010 (grant or refusal of registration).”.

Commencement Information

I22 Sch. 1 para. 22 in force at 1.4.2011, see [art. 1](#)

(40) 2010 asp 8.

(41) S.I. 1997/728; which was relevantly amended by S.S.I. 2007/215.

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Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000

23. In article 2(2)(a) of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000**(42)** (interpretation), for “the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I23 Sch. 1 para. 23 in force at 1.4.2011, see [art. 1](#)

Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001

24. In the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001**(43)**—

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

(i) the definition of “the Commission” is revoked;

(ii) omit the “and” immediately following the definition of “public body”; and

(iii) after the definition of “public body” insert—

““SCSWIS” means Social Care and Social Work Improvement Scotland, established by section 44 of the Public Services Reform (Scotland) Act 2010; and”;

(b) in regulation 2(3) (appointments)—

(i) for “convenor” substitute “chair”; and

(ii) for “the Commission” substitute “SCSWIS”.

Commencement Information

I24 Sch. 1 para. 24 in force at 1.4.2011, see [art. 1](#)

Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

25. In the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002**(44)**—

(a) in article 2A(2)**(45)** (race equality schemes), for sub-paragraph (b) substitute—

“(b) Social Care and Social Work Improvement Scotland;”;

(b) in article 5A(2)**(46)** (monitoring by employers), for sub-paragraph (f) substitute—

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

Commencement Information

I25 Sch. 1 para. 25 in force at 1.4.2011, see [art. 1](#)

(42) [S.S.I. 2000/177](#); which was relevantly amended by [S.I. 2002/161](#).

(43) [S.S.I. 2001/303](#).

(44) [S.I. 2002/62](#).

(45) Article 2A was inserted by [S.S.I. 2004/521](#).

(46) Article 5A was inserted by [S.S.I. 2003/566](#).

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Community Care (Assessment of Needs) (Scotland) Regulations 2002

26. In regulation 1(2) of the Community Care (Assessment of Needs) (Scotland) Regulations 2002(**47**) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I26 Sch. 1 para. 26 in force at 1.4.2011, see [art. 1](#)

Housing (Scotland) Act 2001 (Housing Support Services) Regulations 2002

27. In regulation 2 of the Housing (Scotland) Act 2001 (Housing Support Services) Regulations 2002(**48**) (interpretation) for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”.

Commencement Information

I27 Sch. 1 para. 27 in force at 1.4.2011, see [art. 1](#)

Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003

28. In the Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003(**49**)—

- (a) in article 2 (interpretation)—
 - (i) for the definition of “the 2001 Act” substitute—
 - ““the 2010 Act” means the Public Services Reform (Scotland) Act 2010;”;
 - (ii) in the definition of “care home service” for “2001 Act” substitute “2010 Act”;
- (b) in Part I of Schedule 1 (conditions for making payments out of grant)—
 - (i) in paragraph 1 for “Part 1 of the 2001 Act” substitute “Part 5 of the 2010 Act”;
 - (ii) in paragraph 2(a) for “section 7(1) of the 2001 Act” substitute “section 59(1) of the 2010 Act”;
 - (iii) in paragraph 2(b) for “Part 1” substitute “Part 5”; and
 - (iv) in paragraph 3(**50**) for “2001 Act” substitute “2010 Act”.

Commencement Information

I28 Sch. 1 para. 28 in force at 1.4.2011, see [art. 1](#)

(47) S.S.I. 2002/304.

(48) S.S.I. 2002/444.

(49) S.S.I. 2003/140.

(50) Paragraph 3 of Schedule 1 was amended by S.S.I. 2004/108, 348 and 2005/322.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

29. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(51)—

(a) in article 2(1) (interpretation)—

(i) in the definition of “the 2001 Act” paragraphs (a) and (b) are revoked;

(ii) after that definition insert—

““the 2010 Act” means the Public Services Reform (Scotland) Act 2010, and the following expressions have the meaning given—

(a) by section 44 of that Act, “Social Care and Social Work Improvement Scotland”; and

(b) by section 47 of that Act, “care service”;

(b) in paragraph 9 of Schedule 1(52) (proceedings), for “the Scottish Commission” to the end substitute “Social Care and Social Work Improvement Scotland under Part 5 of the 2010 Act”; and

(c) in Part 2 of Schedule 4 (excepted offices and employments)(53)—

(i) paragraph 26 is revoked; and

(ii) in paragraph 33 for “the Scottish Commission for the Regulation of Care” substitute “Social Care and Social Work Improvement Scotland”.

Commencement Information

I29 Sch. 1 para. 29 in force at 1.4.2011, see [art. 1](#)

National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

30. In regulation 2 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(54) (interpretation), in paragraph (a) of the definition of “capital limit”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I30 Sch. 1 para. 30 in force at 1.4.2011, see [art. 1](#)

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

31. In regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(55) (interpretation), in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

(51) [S.S.I. 2003/231](#).

(52) Paragraph 9 of Schedule 1 was amended by [S.S.I. 2007/75](#).

(53) Paragraph 19 of Part 2 of Schedule 4 was inserted by [S.S.I. 2007/75](#).

(54) [S.S.I. 2003/460](#); to which there are amendments not relevant to this Order.

(55) [S.S.I. 2004/115](#); to which there are amendments not relevant to this Order.

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Commencement Information

I31 Sch. 1 para. 31 in force at 1.4.2011, see [art. 1](#)

Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004

32. In regulation 2(f) of the Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004⁽⁵⁶⁾ (general members), for “subsection (1)(a)” to “Act 2001” substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I32 Sch. 1 para. 32 in force at 1.4.2011, see [art. 1](#)

Building (Scotland) Regulations 2004

- 33.** In regulation 2(1) of the Building (Scotland) Regulations 2004⁽⁵⁷⁾ (interpretation)—
- (a) in the definition of “residential care building”, for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”; and
 - (b) in the definition of “sheltered housing complex”, for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”.

Commencement Information

I33 Sch. 1 para. 33 in force at 1.4.2011, see [art. 1](#)

Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No. 2) Regulations 2004

- 34.** In regulation 1(2) of the Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No. 2) Regulations 2004⁽⁵⁸⁾ (interpretation)—
- (a) in the definition of “care service”, for “subsection (1)(a)” to the end substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”; and
 - (b) in the definition of “social worker” for “that Act” substitute “the Regulation of Care (Scotland) Act 2001”.

Commencement Information

I34 Sch. 1 para. 34 in force at 1.4.2011, see [art. 1](#)

⁽⁵⁶⁾ S.S.I. 2004/375; to which there are amendments not relevant to this Order.

⁽⁵⁷⁾ S.S.I. 2004/406; to which there are amendments not relevant to this Order.

⁽⁵⁸⁾ S.S.I. 2004/429; to which there are amendments not relevant to this Order.

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Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No. 2) Regulations 2004

35. In regulation 1(2) of the Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No. 2) Regulations 2004(**59**) (interpretation)—

- (a) in the definition of “care service”, for “subsection (1)(a)” to the end substitute “subsection (1)(a), (b), (d), (f), (g) and (j) of section 47 of the Public Services Reform (Scotland) Act 2010”; and
- (b) in the definition of “social worker”, for “that Act” substitute “the Regulation of Care (Scotland) Act 2001”.

Commencement Information

I35 Sch. 1 para. 35 in force at 1.4.2011, see [art. 1](#)

Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2005

36. In regulation 2(2)(a) of the Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 2005(**60**) (interpretation), for “section 2(20) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 13 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I36 Sch. 1 para. 36 in force at 1.4.2011, see [art. 1](#)

Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005

37. In Part I of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005(**61**)—

- (a) the entry relating to the Scottish Commission for the Regulation of Care is revoked; and
- (b) at the appropriate place insert—

“Social Care and Social Work Improvement Scotland”.

Commencement Information

I37 Sch. 1 para. 37 in force at 1.4.2011, see [art. 1](#)

Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

38. In regulation 1(2) of the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (interpretation)(**62**)—

- (a) in the definition of “care home service”, for “section 2(3) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;

(59) S.S.I. 2004/430; to which there are amendments not relevant to this Order.

(60) S.S.I. 2005/41.

(61) S.S.I. 2005/565; which was relevantly amended by S.S.I. 2006/129, 2007/195 and 2009/248.

(62) S.S.I. 2006/90.

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- (b) in the definition of “educational institution”, for “section 2(4) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 3 of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
- (c) in the definition of “offender accommodation service”, for “section 2(10) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 7 of schedule 12 to the Public Services Reform (Scotland) Act 2010”; and
- (d) in the definition of “secure accommodation service”, for “section 2(9) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 6 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I38 Sch. 1 para. 38 in force at 1.4.2011, see [art. 1](#)

Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007

39. In Part I of Schedule 1 to the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007(**63**)—

- (a) the entry relating to the Scottish Commission for the Regulation of Care is revoked; and
- (b) at the appropriate place insert—
“Social Care and Social Work Improvement Scotland”.

Commencement Information

I39 Sch. 1 para. 39 in force at 1.4.2011, see [art. 1](#)

Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007

40. In regulation 8(2)(k) of the Representation of the People (Absent Voting at Local Government Elections) Regulations 2007(**64**) (those who may attest and sign a proxy vote), for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I40 Sch. 1 para. 40 in force at 1.4.2011, see [art. 1](#)

Adoption Agencies (Scotland) Regulations 2009

41. For paragraph 14(j)(ii) of Part I of Schedule 1 to the Adoption Agencies (Scotland) Regulations 2009(**65**) (information about prospective adopters), substitute—

- “(ii) Part 5 of the Public Services Reform (Scotland) Act 2010.”.

(63) [S.S.I. 2007/32](#). Schedule 1 was amended by [S.S.I. 2009/248](#).

(64) [S.S.I. 2007/170](#); to which there are amendments not relevant to this Order.

(65) [S.S.I. 2009/154](#); to which there are amendments not relevant to this Order.

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Commencement Information

I41 Sch. 1 para. 41 in force at 1.4.2011, see [art. 1](#)

Looked After Children (Scotland) Regulations 2009

42. In regulation 2 of the Looked After Children (Scotland) Regulations 2009(**66**) (interpretation), in the definition of “registered fostering service”, for “Part 1 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I42 Sch. 1 para. 42 in force at 1.4.2011, see [art. 1](#)

Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009

43. In regulation 6 of the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009(**67**) (disclosure of information for inquiries etc.), for paragraph (d) substitute—

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

Commencement Information

I43 Sch. 1 para. 43 in force at 1.4.2011, see [art. 1](#)

Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

44. In regulation 10(2)(h)(i) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(**68**) (individuals to whom an exempted question can be asked), for “section 2(17) of the Regulation of Care (Scotland) Act 2001” substitute “paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010”.

Commencement Information

I44 Sch. 1 para. 44 in force at 1.4.2011, see [art. 1](#)

Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011

45. In the definition of “registered nurse” in regulation 2(1) of the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011(**69**) (interpretation), for “Nurses and Midwives” substitute “Nursing and Midwifery”.

(66) S.S.I. 2009/210; to which there are amendments not relevant to this Order.

(67) S.S.I. 2009/268.

(68) S.S.I. 2010/168.

(69) S.S.I. 2011/185.

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I45 Sch. 1 para. 45 in force at 1.4.2011, see [art. 1](#)

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Changes and effects yet to be applied to :

- Sch. 1 Pt. 2 para. 29 revoked by [S.S.I. 2013/50 Sch. 5](#)
- sch. 1 para. 31 revoked by [S.S.I. 2018/66 sch. 9](#)