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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 205 (C. 9)**

**SOCIAL CARE**

**The Regulation of Care (Scotland) Act 2001 (Commencement  
No. 3 and Transitional Provisions) Order 2003**

*Made - - - - 19th March 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 81(2), (3) and (4) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup>, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Regulation of Care (Scotland) Act 2001 (Commencement No. 3 and Transitional Provisions) Order 2003.

(2) In this Order—

“the Act” means the Regulation of Care (Scotland) Act 2001; and

“the 2002 Order” means the Regulation of Care (Scotland) Act 2001 (Commencement No. 2 and Transitional Provisions) Order 2002<sup>(2)</sup>;

**Commencement of provisions of the Act**

**2.** The following provisions of the Act shall come into force on 1st April 2003:—

(a) in section 2 (care services)

(i) subsection (1)(n);

(ii) subsection (7) so far as not already in force;

(iii) subsection (8); and

(iv) subsection (27); and

(b) section 8 (limited registration).

**Transitional provisions**

**3.**—(1) Where on 1st April 2003 a person is providing a care service to which this article applies the service shall be treated for all purposes as if it had been registered under Part 1 of the Act on that date.

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(1) 2001 asp 8.

(2) S.S.I 2002/162.

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(2) Paragraph 1 shall cease to apply–

- (a) where the person providing the service has before 1st October 2003 made an application for registration of the service under section 7(1) of the Act, on 1st April 2004; or
- (b) in any other case, on 1st October 2003.

(3) This article applies to the following care services:–

- (a) a child care agency other than one to which article 4(6) of the 2002 Order applies; and
- (b) a housing support service,

which is substantially the same as a service, activity or undertaking which was provided or carried on by that person immediately before that date.

St Andrew's House, Edinburgh  
19th March 2003

*FRANCIS McAVEETY*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Regulation of Care (Scotland) Act 2001 (“the Act”) and makes transitional provisions.

Article 2 sets out the provisions of the Act that are to come into force on 1st April 2003. These include in article 2(a) the definitions of those care services to which the Act will apply from that date. Article 2(b) commences section 8 (limited registration).

Article 3 contains transitional provisions. Persons providing the care services mentioned in article 3(3) are deemed on 1st April 2003 to have registered that service under Part I of the Act. Article 3(2) provides the circumstances in which a service will cease to be deemed to be registered. Deemed registration is to last for six months or, where the provider has applied to the Care Commission for registration, for a further six months.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

1. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 1) Order 2001 ([S.S.I. 2001/304](#)):–

<i>Provision</i>	<i>Date of commencement</i>
Sections 5(1) and (2), 6, 24(1), 29, 30, 53 to 55, 63 to 65, 67, 71, 79 (partially), 80(3) and (4), and paragraphs 20 and 23(7) of schedule 3	1st October 2001
Section 70	20th December 2001

2. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 2 and Transitional Provisions) Order 2001 ([S.S.I. 2002/162](#)):–

<i>Provision</i>	<i>Date of commencement</i>
Sections 2 subsections (1)(a) to (h), (l) and (m) (2) to (4), 5(a) and (b), (6), (9), (17) to (26) and (28).	1st April 2002
Section 2(5)(c) (partially)	
Section 2(7) (partially)	
Section 2(10) (partially)	
Sections 3, 5(3), 7, 9 to 23, 24(2) and (3), 25 to 27, 31, 32, 33(1)(c) and (2) to (4), 34 to 42, 44 to 51 and 72	
Section 79 (partially)	

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<i>Provision</i>	<i>Date of commencement</i>
Section 80(i) (partially)	
Paragraphs 1 to 3, 4(1) and (3), 5, 6, 7(11)(b), 8 to 19, 21, 23(1) to (6) and 25 of Schedule 3	
Schedule 4 (partially)	

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