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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 318**

**The Regulation of Care (Social Service Workers) (Scotland) Order 2005**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Regulation of Care (Social Service Workers) (Scotland) Order 2005 and shall come into force on 1st July 2005.

(2) In this Order—

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

“child” means—

- (a) for the purposes of paragraph (a) of the definition of “residential child care service”, a person under the age of sixteen years;
- (b) for the purposes of paragraph (b) of the definition of “residential child care service”, a child within the meaning of section 135(1) (interpretation) of the Education (Scotland) Act 1980<sup>(1)</sup>; and
- (c) for the purposes of paragraph (c) of the definition of “residential child care service”, a child within the meaning of section 93(2)(b) (interpretation) of the Children (Scotland) Act 1995<sup>(2)</sup>;

“residential child care service” means a service which consists in the provision of personal care or personal support—

- (a) to any child as part of a care home service<sup>(3)</sup>;
- (b) to any child as part of a school care accommodation service<sup>(4)</sup> other than the provision of residential accommodation where it is—
  - (i) provided by or under arrangements made by the managers of an independent school and does not provide personal care or support;
  - (ii) provided by an education authority with respect to a special school within the meaning of the Education (Scotland) Act 1980; or
  - (iii) a hostel provided by the local authority for the use of children to enable them to attend school; or
- (c) to any child as part of a secure accommodation service<sup>(5)</sup>; and

“residential child care worker” means a person who, not being a social worker<sup>(6)</sup>, is employed in the provision of (or in managing the provision of) a residential child care service.

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(1) 1980 c. 44.

(2) 1995 c. 36.

(3) Section 2(3) of the Act defines “care home service”.

(4) Section 2(4) of the Act defines “school care accommodation service”. The provision of residential accommodation described in sub paragraphs (i) to (iii) was excepted from the definition of “school care accommodation service” by S.S.I. 2002/120 but this exception from the definition was revoked with effect from 1st April 2005 by S.S.I. 2005/96.

(5) Section 2(9) of the Act defines “secure accommodation service”.

(6) Section 77(1) of the Act defines “social worker”.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(3) In this Order a reference to a numbered paragraph is a reference to the paragraph so numbered in the article in which that reference occurs.