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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 97**

**SOCIAL CARE**

**The Regulation of Care (Fees) (Scotland) Order 2005**

<i>Made</i>	- - - -	<i>1st March 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>2nd March 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 24(1) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, after consulting such persons or groups of persons as they consider appropriate in accordance with that section, hereby make the following Order:

**Citation, commencement and interpretation**

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

(2) In this Order—

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

“care at home service” means a support service which provides personal care or personal support to a person (“the recipient”) within the recipient’s home;

“day care service” means a support service which is not a care at home service;

“large school accommodation service” means a school care accommodation service which provides residential accommodation to more than 100 pupils;

“medium adoption service” means an adoption service which employs more than three whole time equivalent persons but does not employ more than fifteen whole time equivalent persons to provide and manage the service;

“medium care at home service” means a care at home service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium fostering service” means a fostering service which employs more than three whole time equivalent persons but does not employ more than fifteen whole time equivalent persons to provide and manage the service;

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(1) 2001 asp 8. See section 77 for the definition of “prescribed”.

“medium housing support service” means a housing support service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium school care accommodation service” means a school care accommodation service which provides residential accommodation to more than 40 pupils but not more than 100;

“other adoption service” means an adoption service which is neither a small adoption service nor a medium adoption service;

“other care at home service” means a care at home service which is neither a small care at home service nor a medium care at home service;

“other child care agency” means a child care agency which is not a small child care agency;

“other day care of children” means day care of children which is not small day care of children;

“other day care service” means a day care service which is not a small day care service;

“other fostering service” means a fostering service which is neither a small fostering service nor a medium fostering service;

“other housing support service” means a housing support service which is neither a small housing support service nor a medium housing support service;

“other limited registration service” means a limited registration service which is not a small limited registration service;

“small adoption service” means an adoption service which does not employ more than three whole time equivalent persons to provide and manage the service;

“small care at home service” means a care at home service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small child care agency” means a child care agency which does not employ more than three whole time equivalent persons to provide and manage the service;

“small day care of children” means day care of children which does not employ more than three whole time equivalent persons to provide and manage the service;

“small day care service” means a day care service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small fostering service” means a fostering service which does not employ more than three whole time equivalent persons to provide and manage the service;

“small housing support service” means a housing support service which does not employ more than three whole time equivalent persons to provide and manage the service;

“small limited registration service” means a limited registration service which does not employ more than three whole time equivalent persons to provide and manage the service;

“small school care accommodation service” means a school care accommodation service which provides residential accommodation to no more than 40 pupils;

where a fee is expressed to be payable “per place”, the total fee payable in respect of a particular care service shall be the sum shown multiplied by the maximum number of persons to whom the care service may be provided in accordance with any condition for the time being in force in relation to registration of that care service under the Act.

(3) In this Order, references to employing a person include employing a person who works under a contract of service or a contract for services.

(4) Any figures shown in brackets after the maximum fees shown in Article 3 of, or in the columns in the Schedule to, this Order are the corresponding fees which were prescribed by the Regulation of Care (Fees) (Scotland) Order 2004<sup>(2)</sup>.

### **Maximum fees**

2. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by the Commission in respect of—

- (a) any application for registration under Part 1 or Part 2 of the Act is that shown in column 2 of the Schedule;
- (b) the annual continuation of such registration is that shown in column 3 of the Schedule;
- (c) any application made for the variation or removal of a condition for the time being in force in relation to any such registration is that shown in column 4 of the Schedule; and
- (d) any application for cancellation of any such registration is that shown in column 5 of the Schedule.

### **Fees for new certificates**

3. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by the Commission in respect of issuing a new certificate of registration under section 24(2)(d) of the Act is £77 (£75).

### **Revocation**

4. The Regulation of Care (Fees) (Scotland) Order 2004<sup>(3)</sup> is hereby revoked.

St Andrew's House, Edinburgh  
1st March 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

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(2) S.S.I. 2004/93.  
(3) S.S.I. 2004/93.

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

## SCHEDULE

Regulation 2

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Application for</i> <i>Registration</i>  <i>(£)</i>	<i>Column 3</i> <i>Annual</i> <i>Continuation</i>  <i>(£)</i>	<i>Column 4</i> <i>Variation or</i> <i>Removal of</i> <i>Condition</i>  <i>(£)</i>	<i>Column 5</i> <i>Cancellation of</i> <i>Registration</i>  <i>(£)</i>
Small support service – day care	1711 (920)	856 (460)	174 (170)	174 (170)
Other support service – day care	3422 (1840)	1711 (920)	174 (170)	174 (170)
Small support service – care at home	1261 (1230)	676 (640)	328 (320)	328 (320)
Medium support service – care at home	2050 (2000)	1476 (1400)	328 (320)	328 (320)
Other support service – care at home	2798 (2730)	2255 (2140)	328 (320)	328 (320)
Care home service	3907 (2960)	165 per place (125)	328 (320)	328 (320)
Small school care accommodation service	4340	3472	328 (320)	328 (320)
Medium school care accommodation service	5952	4960	328 (320)	328 (320)
Large school care accommodation service	8841	7688	328 (320)	328 (320)
Independent health care service	3620 (2850)	152 per place (120)	328 (320)	328 (320)
Nurse agency	1399 (880)	699 (440)	174 (170)	174 (170)
Small child care agency	1087 (1060)	676 (660)	328 (320)	328 (320)
Other child care agency	2624 (2560)	2255 (2200)	328 (320)	328 (320)
Secure accommodation service	5544 (4400)	221 per place (175)	328 (320)	328 (320)

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Offender accommodation service	4510 (4400)	180 per place (175)	328 (320)	328 (320)
Small adoption services	2112 (2060)	1250 (1220)	328 (320)	328 (320)
Medium adoption services	3516 (3430)	3126 (3050)	328 (320)	328 (320)
Other adoption services	4449 (4340)	4372 (4265)	328 (320)	328 (320)
Small fostering services	2112 (2060)	1251 (1220)	328 (320)	328 (320)
Medium fostering services	3516 (3430)	3126 (3050)	328 (320)	328 (320)
Other fostering services	4449 (4340)	4372 (4265)	328 (320)	328 (320)
Small housing support service	1261 (1230)	676 (660)	328 (320)	328 (320)
Medium housing support service	2050 (2000)	1476 (1440)	328 (320)	328 (320)
Other housing support service	2798 (2730)	2255 (2200)	328 (320)	328 (320)
Small limited registration service	1087 (1060)	676 (660)	328 (320)	328 (320)
Other limited registration service	2183 (2130)	1804 (1760)	328 (320)	328 (320)
Child minding	28 (25)	17 (15)	5 (5)	5 (5)
Small day care of children	28 (25)	17 (15)	5 (5)	5 (5)
Other day care of children	220 (200)	165 (150)	50 (50)	50 (50)

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## EXPLANATORY NOTE

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

This Order prescribes the maximum fees which may be imposed by the Scottish Commission for the Regulation of Care in respect of applications for registration or for cancellation of registration of a care service, the annual continuation of any such registration, and applications for variation or removal of a condition of registration under the Regulation of Care (Scotland) Act 2001 (article 2 and the Schedule).

It also prescribes the maximum fee for registration or for cancellation of registration of a limited registration service; the annual continuation of any such registration, and applications for variation or removal of a condition of registration (article 2 and the Schedule).

Any figures shown in brackets after the maximum fees shown in article 3 of, or in the columns in the Schedule to, this Order are the corresponding maximum fees which were prescribed by the Regulation of Care (Fees) (Scotland) Order 2004 ([S.S.I. 2004/93](#)) which is revoked by Article 4 of this Order.

Article 3 also prescribes the maximum fee for issuing a new certificate of registration.