

## SCHEDULE 1

### MODIFICATIONS RELATING TO SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

#### 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(1) (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**

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

##### ***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(2) (interpretation), for “the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”.

##### **Commencement Information**

**12** 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(3)—

(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”;

(1) [S.I. 1997/728](#); which was relevantly amended by [S.S.I. 2007/215](#).

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

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

**Changes to legislation:** There are currently no known outstanding effects for the *The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2*. (See end of Document for details)

- (b) in regulation 2(3) (appointments)—
  - (i) for “convenor” substitute “chair”; and
  - (ii) for “the Commission” substitute “SCSWIS”.

**Commencement Information**

**I3** 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(4)—
- (a) in article 2A(2)(5) (race equality schemes), for sub-paragraph (b) substitute—
    - “(b) Social Care and Social Work Improvement Scotland;”;
  - (b) in article 5A(2)(6) (monitoring by employers), for sub-paragraph (f) substitute—
    - “(f) Social Care and Social Work Improvement Scotland;”.

**Commencement Information**

**I4** Sch. 1 para. 25 in force at 1.4.2011, see [art. 1](#)

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

**26.** In regulation 1(2) of the Community Care (Assessment of Needs) (Scotland) Regulations 2002(7) (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**

**I5** 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(8) (interpretation) for “Regulation of Care (Scotland) Act 2001” substitute “Public Services Reform (Scotland) Act 2010”.

**Commencement Information**

**I6** Sch. 1 para. 27 in force at 1.4.2011, see [art. 1](#)

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(4) [S.I. 2002/62](#).  
(5) Article 2A was inserted by [S.S.I. 2004/521](#).  
(6) Article 5A was inserted by [S.S.I. 2003/566](#).  
(7) [S.S.I. 2002/304](#).  
(8) [S.S.I. 2002/444](#).

***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(9)—

- (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(10) for “2001 Act” substitute “2010 Act”.

**Commencement Information**

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

***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(11)—

- (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(12) (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)(13)—
  - (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”.

(9) [S.S.I. 2003/140](#).

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

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

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

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

**Changes to legislation:** There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2. (See end of Document for details)

**Commencement Information**

**I8** 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(**14**) (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**

**I9** 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(**15**) (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**

**I10** 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(**16**) (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**

**I11** 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(**17**) (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”.

(14) S.S.I. 2003/460; to which there are amendments not relevant to this Order.

(15) S.S.I. 2004/115; to which there are amendments not relevant to this Order.

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

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

**Commencement Information**

**I12** 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(**18**) (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**

**I13** Sch. 1 para. 34 in force at 1.4.2011, see [art. 1](#)

***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(**19**) (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**

**I14** 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(**20**) (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**

**I15** Sch. 1 para. 36 in force at 1.4.2011, see [art. 1](#)

(18) [S.S.I. 2004/429](#); to which there are amendments not relevant to this Order.

(19) [S.S.I. 2004/430](#); to which there are amendments not relevant to this Order.

(20) [S.S.I. 2005/41](#).

*Changes to legislation:* There are currently no known outstanding effects for the *The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2.* (See end of Document for details)

***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(21)—

- (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**

**I16** 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)(22)—

- (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”;
- (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**

**I17** 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(23)—

- (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**

**I18** Sch. 1 para. 39 in force at 1.4.2011, see [art. 1](#)

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

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

(23) S.S.I. 2007/32. Schedule 1 was amended by S.S.I. 2009/248.

***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(24) (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**

I19 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(25) (information about prospective adopters), substitute—

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

**Commencement Information**

I20 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(26) (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**

I21 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(27) (disclosure of information for inquiries etc.), for paragraph (d) substitute—

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

**Commencement Information**

I22 Sch. 1 para. 43 in force at 1.4.2011, see [art. 1](#)

(24) S.S.I. 2007/170; to which there are amendments not relevant to this Order.

(25) S.S.I. 2009/154; to which there are amendments not relevant to this Order.

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

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

**Changes to legislation:** There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2. (See end of Document for details)

***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(**28**) (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**

**I23** 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(**29**) (interpretation), for “Nurses and Midwives” substitute “Nursing and Midwifery”.

**Commencement Information**

**I24** Sch. 1 para. 45 in force at 1.4.2011, see [art. 1](#)

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

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



**Changes to legislation:**

There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2.