

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 95**

**SOCIAL CARE**

**The Regulation of Care (Applications and Provision  
of Advice) (Scotland) Amendment Order 2004**

<i>Made</i>	- - - -	<i>8th March 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2004</i>
<i>Coming into force</i>	- -	<i>1st April 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 7(2)(a), 33(2) and 36(2) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Regulation of Care (Applications and Provision of Advice) (Scotland) Amendment Order 2004 and shall come into force on 1st April 2004.

**Amendment of the Regulation of Care (Applications and Provision of Advice) (Scotland) Order 2002**

**2.—**(1) The Regulation of Care (Applications and Provision of Advice) (Scotland) Order 2002<sup>(2)</sup> shall be amended as follows.

(2) In article 2 (applications for registration under Part 1 of the Act)<sup>(3)</sup>, after paragraph (5), insert—

“(6) Where an application is for registration of an adoption service or a fostering service, paragraphs 9 and 12 of the Schedule shall not apply.”

(3) After article 3 (local authority applications under Part 2 of the Act), insert:—

---

<sup>(1)</sup> [2001 asp 8](#): see section 77(1) for the definition of “prescribed”.

<sup>(2)</sup> [S.S.I. 2002/113](#), amended by [S.S.I. 2003/151](#) and [570](#).

<sup>(3)</sup> Article 2 was substituted by [S.S.I. 2003/151](#), article 2(1) and amended by [S.S.I. 2003/570](#) article 2(3).

**“Local authority applications under Part 2 of the Act in respect of adoption services and fostering services**

**3A.** An application by a local authority for registration under section 33(1)(a) or (b) of the Act shall provide the information set out in the Schedule (with the exception of paragraphs 9 and 12).”.

(4) In paragraph (1) of article 4 (variation or removal of conditions)(4), after “section 14(1)(a)” insert “or 36(1)”.

St Andrew’s House, Edinburgh  
8th March 2004

*TOM McCABE*  
Authorised to sign by the Scottish Ministers

---

(4) Article 4 was amended by [S.S.I. 2003/151](#), article 2(2)(b)

## EXPLANATORY NOTE

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

This Order amends the Regulation of Care (Applications and Provision of Advice) (Scotland) Order 2002 so that it specifies the information which is to be provided by a person who makes an application for registration of an adoption service or a fostering service under Part 1, or by a local authority which makes such an application under Part 2, of the Regulation of Care (Scotland) Act 2001 (article 2(2) and (3)).

The Order also specifies the information which is to be provided where an application for variation or removal of a condition relating to the registration of a care service is made by a local authority under Part 2 of that Act (article 2(4)).