

**2002 No. 161**

**LICENSES AND LICENSING**  
**HOUSING**

**The Civic Government (Scotland) Act 1982 (Licensing of  
Houses in Multiple Occupation) Amendment Order 2002**

*Made*

*26th March 2002*

*Coming into force*

*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by section 44(1)(b) and (2) of the Civic Government (Scotland) Act 1982(a) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has been laid before and approved by a resolution of the Scottish Parliament:

**Citation and commencement**

**1.** This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 and shall come into force on 1st April 2002.

**Amendment of principal Order**

**2.** The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000(b) is amended as follows.

**3.** In article 2(1)–

- (a) after the definition of “the 1991 Order” there is inserted–  
““foster child” means a child for whom a local authority is providing accommodation under section 25 of the Children (Scotland) Act 1995(c) by placing him or her with a family, relative or other suitable person in accordance with section 26(1)(a) of that Act;”; and
- (b) the definition of “self-governing school” is omitted.

**4.** In article 2(2)–

- (a) for sub-paragraph (a) there is substituted–  
“(a) which is provided as part of–  
(i) a care home service;  
(ii) an independent health care service;  
(iii) a school care accommodation service; or  
(iv) a secure accommodation service,  
registered under the Regulation of Care (Scotland) Act 2001(d);”; and
- (b) sub-paragraph (b) is omitted.

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(a) 1982 c.45. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2000/177.

(c) 1995 c.36.

(d) 2001 asp 8.

5. After article 2(5)(iii) there is inserted–
- “(iv) the foster child of a person shall be treated as that person’s child;
  - (v) a person brought up or treated by another person as if the person were the child of the other person is to be treated as that person’s child.”.

St Andrew’s House,  
Edinburgh  
26th March 2002

*MARGARET CURRAN*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

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

This Order makes amendments to the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (“the 2000 Order”).

Articles 3 and 5 make amendments that relate to foster and other children. Article 3 inserts a definition of “foster child”. Article 5 adds foster children and those brought up or treated as someone’s child to the list of persons who are treated as being members of the same family for the purposes of the 2000 Order.

Article 4 makes amendments to article 2(2) of the 2000 Order which lists houses that are exempt from the licensing requirements. Other than a “secure accommodation service” (which is an addition to the 2000 Order exemptions), these amendments largely update terminology and statutory references that have now been superseded by the Regulation of Care (Scotland) Act 2001.

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