
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 162

**The Regulation of Care (Scotland) Act 2001 (Commencement
No. 2 and Transitional Provisions) Order 2002**

Services which are deemed to be registered

- 4.—(1) This paragraph applies to a support service which is provided from premises—
- (a) which were or formed part of an establishment in respect of which the person providing the service was immediately before the commencement date registered under the 1968 Act; or
 - (b) which have at any time been inspected by a person authorised to do so by a local authority as if they were or formed part of an establishment which was required to be registered under that Act.
- (2) This paragraph applies to a care home service which provides accommodation wholly or mainly in—
- (a) an establishment in respect of which the person providing the care home service was immediately before the commencement date registered under the 1968 Act;
 - (b) a nursing home in respect of which the person providing the care home service was immediately before the commencement date registered under the 1938 Act;
 - (c) other premises which have at any time been inspected by a person authorised to do so by—
 - (i) a local authority as if they were or formed part of an establishment which was required to be registered under the 1968 Act; or
 - (ii) a Health Board as if they were or formed part of a nursing home which was required to be registered under the 1938 Act.
- (3) This paragraph applies to a school care accommodation service which provides accommodation wholly or mainly in an establishment in respect of which the person providing the school care accommodation service was immediately before the commencement date registered under the 1968 Act.
- (4) This paragraph applies to an independent health care service being an independent hospital or an independent clinic which is substantially the same as a nursing home in respect of which the person providing the independent health care service was immediately before the commencement date registered under the 1938 Act.
- (5) This paragraph applies to a nurse agency which is substantially the same as an agency for the supply of nurses in respect of which the person providing the nurse agency was immediately before the commencement date the holder of a licence under the 1951 Act.
- (6) This paragraph applies to a child care agency which is substantially the same as a service in respect of which the person providing the child care agency was immediately before the commencement date registered as a child minder under Part X of the 1989 Act.
- (7) This paragraph applies to a secure accommodation service.
- (8) This paragraph applies to an offender accommodation service which provides accommodation wholly or mainly in—

- (a) an establishment in respect of which the person providing the offender accommodation service was immediately before the commencement date registered under the 1968 Act; or
- (b) other premises which have at any time been inspected by a person authorised to do so by a local authority as if they were or formed part of an establishment which was required to be registered under that Act.

(9) This paragraph applies to child minding which is substantially the same as a service in respect of which the person providing the child minding was immediately before the commencement date registered as a child minder under Part X of the 1989 Act.

(10) This paragraph applies to day care of children which is substantially the same as a service—

- (a) in respect of which the person providing the day care of children was immediately before the commencement date registered as a provider of day care for children under Part X of the 1989 Act; or
- (b) provided immediately before the commencement date by the person providing the day care of children from premises which at any time have been inspected by—
 - (i) a person authorised to do so by a local authority as if they were premises on which day care for children to which Part X of the 1989 Act applied was provided; or
 - (ii) a person authorised to do so under section 66 of the Education (Scotland) Act 1980⁽¹⁾.

⁽¹⁾ 1980 c. 44.