

SCHEDULE 4

Accommodation for Residential Care Licences

PART 2

Interpretation

Scotland

7.—^[F1](1) In this Schedule in relation to Scotland—

“accommodation for residential care” means, subject to paragraphs 12 and 13, either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled or retired persons and—
 - (i) which is provided by a local authority under sections 12, 13A, 13B and 59 of the Social Work (Scotland) Act 1968 ^{M1}, or ^[F2]section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003];
 - (ii) ^[F3]at which a care service is provided (within the meaning of section 47 of the Public Services Reform (Scotland) Act 2010) and that service is registered under Part 5 of that Act; or]
 - (iii) which is a health service hospital; or
- (b) a group of specially provided dwellings in which the dwellings which satisfy the requirements of paragraph 3(4)(a) to (c) of this Schedule are dwellings which are provided or managed—
 - (i) under Part 1 of the Housing (Scotland) Act 1987 ^{M2};
 - (ii) by a registered social landlord within the meaning of ^[F4]section 165 of the Housing (Scotland) Act 2010]; or
 - (iii) by Scottish Homes under section 1 of the Housing (Scotland) Act 1988 ^{M3};

“health service hospital” has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978 ^{M4};

“mental disorder” means any mental disorder within the meaning of the ^[F5]Mental Health (Care and Treatment) (Scotland) Act 2003]; and

“right to buy dwelling” is a dwelling owned by a person who bought the dwelling in exercise of his right to buy under Part III of the Housing (Scotland) Act 1987 or any successor in title of such a person.

^[F6](2) For the purposes of this Schedule, in relation to Scotland, a person is another’s foster child if—

- (a) he has been placed as a foster child with that other person by a local authority or he is a foster child of that other person within the meaning of the Foster Children (Scotland) Act 1984; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.]

Changes to legislation: There are currently no known outstanding effects for the *The Communications (Television Licensing) Regulations 2004, Paragraph 7.* (See end of Document for details)

Textual Amendments

- F1** Sch. 4 para. 7 renumbered as Sch. 4 para. 7(1) (1.4.2005) by [The Communications \(Television Licensing\) \(Amendment\) Regulations 2005 \(S.I. 2005/606\)](#), regs. 1(1), **8(5)** (with reg. 10)
- F2** Words in Sch. 4 para. 7(1) substituted (E.W.N.I.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 2 para. 26(2)(a)** and words in Sch. 4 para. 7(1) substituted (S.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Subordinate Legislation\) Order 2005 \(S.S.I. 2005/445\)](#), arts. 1, 2, **sch. para. 49(1)(a)**
- F3** Words in Sch. 4 para. 7(1) substituted (28.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications of Enactments\) Order 2011 \(S.I. 2011/2581\)](#), art. 1(2)(b), **Sch. 2 para. 39**
- F4** Words in Sch. 4 para. 7(1) substituted (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2012 \(S.I. 2012/700\)](#), art. 1(3), **Sch. para. 13**
- F5** Words in Sch. 4 para. 7(1) substituted (E.W.N.I.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 2 para. 26(2)(b)** and words in Sch. 4 para. 7(1) substituted (S.) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Subordinate Legislation\) Order 2005 \(S.S.I. 2005/445\)](#), arts. 1, 2, **sch. para. 49(1)(a)**
- F6** Sch. 4 para. 7(2) inserted (1.4.2005) by [The Communications \(Television Licensing\) \(Amendment\) Regulations 2005 \(S.I. 2005/606\)](#), regs. 1(1), **8(5)** (with reg. 10)

Marginal Citations

- M1** 1968 c. 49; section 12 was amended by the [National Health Service and Community Care Act 1990](#) (c. 19), **section 66(1)** and Schedule 9, paragraph 10(5), the [Children \(Scotland\) Act 1995](#) (c. 36), **section 105(4)** and Schedule 4, paragraph 15(11), the [Community Care \(Residential Accommodation\) Act 1998](#) (c. 19), **sections 2** and 3(2), the [Immigration and Asylum Act 1999](#) (c. 33), **section 120(1)**, the [Community Care and Health \(Scotland\) Act 2002](#) (asp 5), **section 3**, and the [Nationality, Immigration and Asylum Act 2002](#) (c. 41), **section 46**. Section 13A was amended by the [Immigration and Asylum Act 1999](#) (c. 33), **section 120(2)**, the [Regulation of Care \(Scotland\) Act 2001](#) (asp 8), **sections 72**, 79 and Schedule 3, paragraph 4, the [Community Care and Health \(Scotland\) Act 2002](#) (asp 5), **Schedule 2**, paragraph 1, and the [Nationality, Immigration and Asylum Act 2002](#) (c. 41), **section 46**. Section 13B was amended by the [Immigration and Asylum Act 1999](#) (c. 33), **section 120**, and the [Nationality, Immigration and Asylum Act 2002](#) (c. 41), **section 46**. Section 59 was amended by the [National Health Service and Community Care Act 1990](#) (c. 19), **Schedule 9**, paragraph 10(7), the [Children \(Scotland\) Act 1995](#) (c. 36), **Schedule 4**, and by the [Regulation of Care \(Scotland\) Act 2001](#) (asp 8), **section 72**.
- M2** 1987 c. 26.
- M3** 1988 c. 43; section 1 was amended by the [Housing \(Scotland\) Act 2001](#), section 112 and Schedule 10, paragraph 14(1), (2)(a) and (2)(b)(i) - (2)(b)(iv). Scottish Homes continue to exercise their functions under section 1(3)(b) of the [Housing \(Scotland\) Act 1988](#) (c. 43) by virtue of regulation 3(a) of [S.S.I. 2001/397](#).
- M4** 1978 c. 29; the definition of “health service hospital” was amended by the [National Health Service and Community Care Act 1990](#) (c. 19), **section 66(1)** and Schedule 9, paragraph 19(22)(b).

Changes to legislation:

There are currently no known outstanding effects for the The Communications (Television Licensing) Regulations 2004, Paragraph 7.