



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 7 **S**

#### GENERAL

#### [<sup>F177</sup> Interpretation **S**

In this Act, unless the context otherwise requires—

“care service” has the meaning given by section 47(1) of the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#);

“the Council” means the Scottish Social Services Council (which is constituted under section 43 of this Act);

<sup>F2</sup>  
...

“enactment” has the meaning given by section 126(1) of the Scotland Act 1998 (c.46);

“equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Schedule 5 to the Scotland Act 1998;

<sup>F2</sup>  
...

<sup>F2</sup>  
...

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);

“notice” means notice in writing;

“prescribed” means prescribed by order made by the Scottish Ministers;

“regulations” means regulations made by the Scottish Ministers;

<sup>F2</sup>  
...

“social service worker” means a person, other than a person excepted from this definition by regulations, who—

- (a) has an entitling professional qualification in social work (that is to say a qualification which, if the person holding it also satisfies the requirements of subsection (2)(a) and (b) of section 46 of this Act and, except where section 46B of this Act applies, the requirements as to education imposed as mentioned in subsection (2)(c)(i) of that section, entitles that person

*Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, PART 7. (See end of Document for details)*

to be registered in the part for social workers of the register maintained under section 44(1) of this Act); or

- (b) <sup>F3</sup> ...
- (c) not being a person mentioned in paragraph (a) or (b) above, is employed in the provision of (or in managing the provision of) a care service; or
- (d) being an employee of Social Care and Social Work Improvement Scotland, is an authorised person by virtue of section 56 of the Public Services Reform (Scotland) Act 2010;

“social worker” means a person described in paragraph (a) of the definition, above, of “social service worker”;

<sup>F2</sup>  
...

“voluntary organisation” means a body, other than a public or local authority, the activities of which are not carried on for profit.]

#### Textual Amendments

- F1** S. 77 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 9**
- F2** Words in s. 77 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 10(a)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 77 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 10(b)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

## 78 Orders and regulations **S**

- (1) Any order or regulations made under this Act shall be made by statutory instrument; and, subject to subsection (2), a statutory instrument containing any such order, other than an order under section 81(2), or any such regulations shall be subject to annulment in pursuance of a resolution of the Parliament.
- (2) A statutory instrument containing—
  - (a) regulations under section 28(1)(a), 56(1)(a) or 73(2)(b);
  - (b) an order under section 3 [<sup>F4</sup>or 25(5A)]; or
  - (c) if it amends or repeals an enactment, an order under section 80(2),
 of this Act shall not be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

#### Textual Amendments

- F4** Words in s. 78(2)(b) inserted (17.10.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 31(3), 43(3)**; S.S.I. 2005/492, art. 3(a), sch. 1

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## 79 Minor and consequential amendments **S**

Schedule 3 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, has effect.

### Commencement Information

- I1** S. 79 in force for specified purposes at 1.10.2001 by [S.S.I. 2001/304](#), [art. 2\(1\)\(b\)](#); s. 79 in force for specified purposes at 1.4.2002 by [S.S.I. 2002/162](#), [art. 2\(f\)](#) (subject to arts. 3-13)
- I2** S. 79 in force at 1.4.2004 for specified purposes by [S.S.I. 2004/100](#), [art. 2\(d\)](#) (with arts. 3, 4) (as amended (30.9.2004) by [S.S.I. 2004/377](#), art. 2)

## 80 Repeals and transitional provisions etc. **S**

- (1) The enactments mentioned in schedule 4 to this Act are repealed to the extent mentioned in the second column of that schedule.
- (2) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of this Act.
- (3) An order under subsection (2) above may amend or repeal any enactment (including any provision of this Act).
- (4) Before making an order under subsection (2) above, the Scottish Ministers shall consult such persons, or groups of persons, as they consider appropriate.

### Commencement Information

- I3** S. 81(3)(4) in force at 1.10.2001 by [S.S.I. 2001/304](#), [art. 2\(1\)\(c\)](#); s. 80(1) in force for certain purposes at 1.4.2002 by [S.S.I. 2002/162](#), [art. 2\(g\)](#) (subject to arts. 3-13)
- I4** S. 80(1) in force at 1.4.2004 for specified purposes by [S.S.I. 2004/100](#), [art. 2\(f\)](#) (with arts. 3, 4) (as amended (30.9.2004) by [S.S.I. 2004/377](#), art. 2)

## 81 Short title and commencement **S**

- (1) This Act may be cited as the Regulation of Care (Scotland) Act 2001.
- (2) There shall come into force at the end of the period of fourteen days beginning with the day of Royal Assent sections 1, 4, 28, 43, 56 to 62, 66, 68 and 69, 74 to 78 and 80(2) of, and schedules 1 and 2 to, this Act; and the other provisions of this Act, except this section, shall come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (3) Different days may be so appointed for different provisions and for different purposes.
- (4) An order under subsection (2) above may contain such transitional provisions and such savings as the Scottish Ministers think fit.

### Subordinate Legislation Made

- P1** S. 81(2)(3)(4) power partly exercised: 1.4.2002 appointed for specified provisions by [S.S.I. 2002/162](#), [art. 2\(a\)-\(d\)](#)

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**P2** S. 81(2) power partly exercised: different dates appointed for specified provisions by [S.S.I. 2001/304](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, PART 7.