

2004 No. 377 (C.24)

SOCIAL CARE

**The Regulation of Care (Scotland) Act 2001 (Commencement
No. 5 and Transitional Provisions) Amendment Order 2004**

Made - - - - - *3rd September 2004*

Laid before the Scottish Parliament *7th September 2004*

Coming into force - - - *30th September 2004*

The Scottish Ministers, in exercise of the powers conferred by section 80(2) of the Regulation of Care (Scotland) Act 2001(a), and of all other powers enabling them in that behalf, after consulting such persons or groups of persons as they consider appropriate in accordance with section 80(4) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Regulation of Care (Scotland) Act 2001 (Commencement No. 5 and Transitional Provisions) Amendment Order 2004 and shall come into force on 30th September 2004.

Amendment of transitional provisions

2. In articles 3(2) and 4(b) (transitional provisions) of the Regulation of Care (Scotland) Act 2001 (Commencement No. 5 and Transitional Provisions) Order 2004(b)–

- (a) for “1st October 2004” in each place where it appears, substitute “1st January 2005”; and
- (b) for “1st April 2005” in each place where it appears, substitute “1st January 2006”.

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
3rd September 2004

(a) 2001 asp 8.
(b) S.S.I. 2004/100.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the transitional provisions in articles 3(2) and 4(b) of the Regulation of Care (Scotland) Act 2001 (Commencement No. 5 and Transitional Provisions) Order 2004 (“the principal Order”).

Article 3(2) of principal Order provides for the deemed registration of certain adoption, fostering and unregistered offender accommodation services under Part 1 or Part 2 (as the case may be) of the Regulation of Care (Scotland) Act 2001 (“the 2001 Act”). Where a person provided such a service immediately before 1st April 2004 and continued to provide it on and after that date, that service is deemed to be registered under the relevant Part of the 2001 Act. Deemed registration will cease under the principal Order on 1st October 2004 unless the person providing the service has applied before that date for registration under the 2001 Act, in which case deemed registration will cease on 1st April 2005.

Article 4(b) of the principal Order provides for the deemed registration of bodies which have applied before 1st April 2004 to the Scottish Ministers for approval as an approved adoption society under section 3 of the Adoption (Scotland) Act 1978 (c.28) (“the 1978 Act”) and the application has not been approved or refused by them by that date. If the application is subsequently approved, the principal Order provides that the adoption service provided by that body is deemed to be registered under Part 1 of the 2001 Act. Deemed registration will take effect on and after the date on which approval operates under section 3(2A) of the 1978 Act and will cease under the principal Order on 1st October 2004 unless the body providing the service has applied before that date for registration under the 2001 Act, in which case it will cease on 1st April 2005.

This Order extends the periods of deemed registration provided for in articles 3(2) and 4(b) of the principal Order by substituting new dates. Deemed registration will cease in each case to which those articles apply on 1st January 2005, unless the person or body providing the service has applied for registration under the 2001 Act before that date, in which case it will cease on 1st January 2006.

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