

**2007 No. 67**

**SOCIAL CARE**

**The Regulation of Care (Scotland) Act 2001 (Commencement  
No. 7 and Transitional Provisions) Amendment Order 2007**

*Made* - - - - - *8th February 2007*

*Laid before the Scottish Parliament* *12th February 2007*

*Coming into force* - - - *18th March 2007*

The Scottish Ministers in exercise of the powers conferred on them by section 80(2) and (3) 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 person 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. 7 and Transitional Provisions) Amendment Order 2007 and shall come into force on 18th March 2007.

**Amendment of transitional provisions**

2. In article 3(2) and (3) (transitional provisions) of the Regulation of Care (Scotland) Act 2001 (Commencement No. 7 and Transitional Provisions) Order 2006(b)–

- (a) for “19th March 2007” in each place where it appears, substitute “19th June 2007”; and
- (b) for “19th December 2007” in each place where it appears, substitute “19th June 2008”.

*LEWIS MACDONALD*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
8th February 2007

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(a) 2001 asp 8.  
(b) S.S.I. 2006/275.

## EXPLANATORY NOTE

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

This Order amends the transitional provisions in articles 3(2) and (3) of the Regulation of Care (Scotland) Act 2001 (Commencement No. 7 and Transitional Provisions) Order 2006 (“the principal Order”) by substituting new dates. This Order comes into force on 18th March 2007.

Article 3 of the principal Order provides for the deemed registration of adult placement services under Part 1 of the Regulation of Care (Scotland) Act 2001 (“the Act”).

Under article 3(2) of the principal Order (as amended by this Order), adult placement services already operating immediately before 20th June 2006 are deemed to be registered on that date until 19th June 2007<sup>(a)</sup> to allow an application for registration to be made. If an application is made before 19th June 2007<sup>(b)</sup>, deemed registration will then continue until 19th June 2008<sup>(c)</sup> at the latest, by which time the Scottish Commission of the Regulation of Care (“the Care Commission”) must have considered all applications and granted or refused registration.

Article 3(3) of the principal Order makes provision for deemed registration of those adult placement services to end earlier than the specified dates. This is explained in more detail in the Explanatory Note to the principal Order, and includes matters such as registration of the service, and where the sheriff grants an application by the Care Commission under section 18 of the Act for urgent cancellation of the adult placement service.

Services which are not operating immediately before 20th June 2006 are treated as new applications and must be registered before they can begin to provide the service.

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<sup>(a)</sup> The date was previously 19th March 2007.

<sup>(b)</sup> The date was previously 19th March 2007.

<sup>(c)</sup> The date was previously 19th December 2007.



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