

## SCHEDULE 1

### MODIFICATIONS RELATING TO SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

## PART 1

### MODIFICATIONS OF PRIMARY LEGISLATION

#### *Regulation of Care (Scotland) Act 2001 (asp 8)*

9. For section 77 (interpretation) of the Regulation of Care (Scotland) Act 2001(1) substitute—

#### **“77. Interpretation**

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);

“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;

“exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a national of the United Kingdom who is seeking to engage in relevant social work by virtue of an enforceable community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;

and in paragraphs (a) to (c), “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who, by virtue of Article 2 of Protocol No. 3 (Channel Islands and the Isle of Man) to the Treaty of Accession, is not to benefit from Community provisions relating to the free movement of persons and services;

“the General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ([S.I. 2007/2781](#));

“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;

“relevant European State” means an EEA State or Switzerland;

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(1) [2001 asp 8](#); which was relevantly amended by [S.I. 2007/3101](#).

**Status:** This is the original version (as it was originally made).

“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 to be registered in the part for social workers of the register maintained under section 44(1) of this Act); or
- (b) is a visiting social worker from a relevant European State; or
- (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”;

“visiting social worker from a relevant European state” means a person entitled under section 46A of this Act to be registered in the part of the register maintained under section 44(1) of this Act for visiting social workers from relevant European States; and

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