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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 44**

**SOCIAL CARE**

**The Social Care and Social Work Improvement  
Scotland (Excepted Services) Regulations 2012**

*Made - - - - 7th February 2012*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 104(1) and paragraphs 1(2)(a), 4 and 13 of schedule 12 to the Public Services Reform (Scotland) Act 2010<sup>(1)</sup>.

In accordance with section 104(2) of that Act<sup>(2)</sup>, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Care and Social Work Improvement Scotland (Excepted Services) Regulations 2012 and come into force on the day after the day on which they are made.

(2) In these Regulations “the Act” means the Public Services Reform (Scotland) Act 2010.

**Support services**

2. There is excepted from the definition of “support service” in paragraph 1 of schedule 12 to the Act any service which consists wholly of one or more of the following:—

- (a) field social work;
- (b) counselling, other than counselling which is provided in residential accommodation as part of a planned programme of care; or
- (c) a service providing assistance to a person to enable that person to prepare for, obtain, or engage in any work.

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<sup>(1)</sup> 2010 asp 8.

<sup>(2)</sup> Section 104(2) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Nurse agencies**

3. There is excepted from the definition of “nurse agency” in paragraph 4 of schedule 12 to the Act, any service provided by a health body or the Common Services Agency for the Scottish Health Service<sup>(3)</sup> acting in exercise of functions conferred by the National Health Service (Scotland) Act 1978<sup>(4)</sup>.

### **Day care of children**

4. There is excepted from the definition of “day care of children” in paragraph 13 of schedule 12 to the Act any service unless its primary purpose is the provision of care to children.

St Andrew’s House,  
Edinburgh  
7th February 2012

*NICOLA STURGEON*  
A member of the Scottish Executive

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(3) The Common Services Agency for the Scottish Health Service is constituted under section 10 of the National Health Service (Scotland) Act 1978 (c.29).

(4) 1978 c.29.

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## EXPLANATORY NOTE

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

These Regulations exclude certain specified activities from the definition of care services under Part 5 of the Public Services Reform (Scotland) Act 2010.

Regulation 2 excepts certain activities from the definition of a support service, namely field social work, i.e. social work which is not carried out within a care service, certain counselling services and employment advice services. Regulation 3 provides that activities performed by health boards, special health boards and the Common Services Agency for the Scottish Health Service under the National Health Service (Scotland) Act 1978 are excepted from the definition of nurse agencies and regulation 4 restricts the definition of day care of children to those services with a primary purpose of the provision of care for children.