

SCHEDULE 2

Establishment of Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland and dissolution of the Scottish Commission for the Regulation of Care: modification of enactments

PART 1

Primary legislation

Medicines Act 1968

1. In section 10(9) of the Medicines Act 1968(1) (exemptions for pharmacists: definition of care home services) for “section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8)(2)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)(3)”.

House of Commons Disqualification Act 1975

2. In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—

(a) in Part 2(4) (bodies of which all members are disqualified) at the appropriate places insert—

“Healthcare Improvement Scotland.”;

“Social Care and Social Work Improvement Scotland.”;

(b) in Part 3(5) omit “Convenor or member of the Scottish Commission for the Regulation of Care.”.

Anatomy Act 1984

3. In section 4(9)(b) of the Anatomy Act 1984(6) (lawful examination of body lying in accommodation provided by care home service) for “section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)”.

Adoption and Children Act 2002

4. In the Adoption and Children Act 2002(7)—

(a) in section 131(1)(d) (supplementary provisions) for “Regulation of Care (Scotland) Act 2001 (asp 4)” substitute “Public Services Reform (Scotland) Act 2010 (asp 8)”;

(b) in section 144(3) (general interpretation)—

(i) for “Regulation of Care (Scotland) Act 2001 (asp 4)” substitute “Public Services Reform (Scotland) Act 2010 (asp 8)”;

(1) 1968 c.67. Section 10 was relevantly amended by the Regulation of Care (Scotland) Act 2001 (asp 8), schedule 3, paragraph 5.

(2) 2001 asp 8. Parts 1 and 2 and schedule 1 were repealed by the Public Services Reform (Scotland) Act 2010 (asp 8).

(3) 2010 asp 8.

(4) 1975 c.24. There are amendments to Part 2 not relevant to this Schedule.

(5) Part 3 was relevantly amended by S.I. 2010/762.

(6) 1984 c.14. The repeal of this Act by the Human Tissue Act 2004 (c. 30), (section 57 and Part 1 of Schedule 7) did not (with the exception of section 4(5)) extend to Scotland (see section 59(8) and (9) of that Act).

(7) 2002 c.38. There are amendments to section 144 not relevant to this Schedule.

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(ii) for “Part 1” substitute “Chapter 3 of Part 5”.

Nationality, Immigration and Asylum Act 2002

5. In section 133(4)(c) of the Nationality, Immigration and Asylum Act 2002(8) (disclosure by medical inspector to Health Service Body in relation to Scotland) after sub-paragraph (ii) insert—
“(iia) Healthcare Improvement Scotland established under section 10A of the 1978 Act,(9)

Income Tax (Earnings and Pensions) Act 2003

6. In the Income Tax (Earnings and Pensions) Act 2003(10)—
- (a) in section 318(5)(b) (exemption for employer-provided childcare: registration requirements) for “Part 1 or 2 of the Regulation of Care (Scotland) Act 2001” substitute “Part 5 of the Public Services Reform (Scotland) Act 2010”;
 - (b) in section 318C(4) (childcare: meaning of “qualifying child care”)—
 - (i) in paragraph (a)(i) for “within the meaning of section 2 of the Regulation of Care (Scotland) Act 2001” substitute “as defined by paragraphs 12 and 13 respectively of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
 - (ii) in paragraph (a)(ii) for “Part 1” substitute “Chapter 3 of Part 5”;
 - (iii) in paragraph (b)(i) for “within the meaning of section 2 of the Regulation of Care (Scotland) Act 2001” substitute “as defined by paragraphs 12 and 13 respectively of schedule 12 to the Public Services Reform (Scotland) Act 2010”;
 - (iv) in paragraph (b)(ii) for “Part 2” substitute “Chapter 4 of Part 5”.

Finance Act 2003

7. In section 61 of the Finance Act 2003(11) (compliance with planning obligations), in the list of public authorities in subsection (3), after “A Health Board established under section 2(1)(a) of that Act(12)” insert “Healthcare Improvement Scotland established under section 10A of that Act”.

Age-Related Payments Act 2004

8. In section 8(1) of the Age-Related Payments Act 2004(13) (interpretation), in paragraph (b) of the definition of “care home”, for “section 2(3) of the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)”.

(8) 2002 c.41. Section 133 was relevantly amended by the Health Protection Agency Act 2004 (c.17), Schedule 3, paragraph 17(4).
(9) 1978 c.29. Sections 10A to 10Z19 were inserted by the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), section 108.
(10) 2003 c.1. Sections 318 and 318C were relevantly amended by the Finance Act 2004 (c.12), Schedule 13, paragraph 1 and section 318C was relevantly amended by [S.I. 2009/2888](#) and [2011/775](#).
(11) 2003 c.14. There are amendments to section 61 not relevant to this Schedule.
(12) Section 2(1)(a) has been amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 14(2); the National Health Service and Community Care Act 1990 (c.19), section 28(a)(i) and (ii); the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 1, paragraph 1(2)(a) and by the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#).
(13) 2004 c.10. There are amendments to section 8 not relevant to this Schedule.

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Income Tax (Trading and Other Income) Act 2005

9. In section 726 of the Income Tax (Trading and Other Income) Act 2005⁽¹⁴⁾ (meaning of “care provider”) for subsection (3) substitute—

“(3) A person meets the care registration requirement in relation to care provided in Scotland if the person provides care as, or as part of, a service which is registered under—

- (a) Chapter 3 of Part 5 of the Public Services Reform (Scotland) Act 2010 (asp 8), or
- (b) section 10Q of the National Health Service (Scotland) Act 1978 (c. 29).”.

Health and Social Care Act 2008

10. In section 145(4) of the Health and Social Care Act 2008⁽¹⁵⁾ (Human Rights Act 1998: provision of certain social care to be public function) for “section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8)” substitute “paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)”.

⁽¹⁴⁾ 2005 c.5. There are amendments to section 726 not relevant to this Schedule.

⁽¹⁵⁾ 2008 c.14. There are amendments to section 145 not relevant to this Schedule.