SCOTTISH STATUTORY INSTRUMENTS

2004 No. 94

SOCIAL CARE

The Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2004

Made - - - -	*8th March 2004*
Laid before the Scottish Parliament - - - -	*9th March 2004*
Coming into force - -	*1st April 2004*

The Scottish Ministers, in exercise of the powers conferred by section 29(1), (2)(e) and (7)(c) of the Regulation of Care (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, and having consulted such persons and groups of persons as they consider appropriate in accordance with section 29(12) of that Act, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2004 and shall come into force on 1st April 2004.

Amendment of the principal Regulations

2.—(1) The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002(**2**) shall be amended as follows.

(2) After paragraph (3) of regulation 4 (welfare of users)(**3**), insert–

"(4) The requirements in paragraph (1)(d) shall not apply to a provider of an adoption service or a fostering service.".

(3) In paragraph (1) of regulation 5 (personal plans)(**4**), for "paragraph (4)" substitute "paragraphs (1A) and (4)".

(4) After paragraph (1) of regulation 5, insert–

"(1A) Paragraph (1) shall not apply to any adoption service or fostering service but the provider of such a service shall, after consultation with each service user and, where it appears to the provider to be appropriate, any representative–

(**1**) 2001 asp 8; see section 77(1) for the definition of "regulations".
(**2**) S.S.I. 2002/114, as amended by S.S.I. 2003/149 and 572.
(**3**) Regulation 4 was amended by S.S.I. 2003/149, regulation 2(3).
(**4**) Regulation 5(4) was amended by S.S.I. 2003/149, regulation 2(4).