SCOTTISH STATUTORY INSTRUMENTS

2004 No. 93

SOCIAL CARE

The Regulation of Care (Fees) (Scotland) Order 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 24(1) of the Regulation of Care (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, after consulting such persons or groups of persons as they consider appropriate in accordance with that section, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Care (Fees) (Scotland) Order 2004 and shall come into force on 1st April 2004.

(2) In this Order–

"the 2003 Order" means the Regulation of Care (Fees) (Scotland) Order 2003(**2**);

"the Act" means the Regulation of Care (Scotland) Act 2001;

"care at home service" means a support service which provides personal care or personal support to a person ("the recipient") within the recipient's home;

"day care service" means a support service which is not a care at home service;

"medium adoption service" means an adoption service which employs more than three whole time equivalent persons but does not employ more than fifteen whole time equivalent persons to provide and manage the service;

"medium care at home service" means a care at home service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

"medium fostering service" means a fostering service which employs more than three whole time equivalent persons but does not employ more than fifteen whole time equivalent persons to provide and manage the service;

(**1**) 2001 asp 8. See section 77 for the definition of "prescribed".
(**2**) S.S.I. 2003/152.

"medium housing support service" means a housing support service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

"other adoption service" means an adoption service which is neither a small adoption service nor a medium adoption service;

"other care at home service" means a care at home service which is neither a small care at home service nor a medium care at home service;

"other child care agency" means a child care agency which is not a small child care agency;

"other day care of children" means day care of children which is not small day care of children;

"other day care service" means a day care service which is not a small day care service;

"other fostering service" means a fostering service which is neither a small fostering service nor a medium fostering service;

"other housing support service" means a housing support service which is neither a small housing support service nor a medium housing support service;

"other limited registration service" means a limited registration service which is not a small limited registration service;

"small adoption service" means an adoption service which does not employ more than three whole time equivalent persons to provide and manage the service;

"small care at home service" means a care at home service which does not employ more than three whole-time equivalent persons to provide and manage the service;

"small child care agency" means a child care agency which does not employ more than three whole-time equivalent persons to provide and manage the service;

"small day care of children" means day care of children which does not employ more than three whole-time equivalent persons to provide and manage the service;

"small day care service" means a day care service which does not employ more than three whole-time equivalent persons to provide and manage the service;

"small fostering service" means a fostering service which does not employ more than three whole time equivalent persons to provide and manage the service;

"small housing support service" means a housing support service which does not employ more than three whole-time equivalent persons to provide and manage the service;

"small limited registration service" means a limited registration service which does not employ more than three whole-time equivalent persons to provide and manage the service;

where a fee is expressed to be payable "per place", the total fee payable in respect of a particular care service shall be the sum shown multiplied by the maximum number of persons to whom the care service may be provided in accordance with any condition for the time being in force in relation to registration of that care service under the Act.

(3) In this Order, references to employing a person include employing a person who works under a contract of service or a contract for services.

(4) Any figures shown in brackets after the maximum fees shown in Article 3 of, or in the columns in the Schedule to, this Order are the corresponding maximum fees which were prescribed by the 2003 Order as amended.

Maximum fees

2. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by the Commission in respect of–

(a) any application for registration under Part 1 or Part 2 of the Act is that shown in column 2 of the Schedule;

(b) the annual continuation of such registration is that shown in column 3 of the Schedule;

(c) any application made for the variation or removal of a condition for the time being in force in relation to any such registration is that shown in column 4 of the Schedule; and

(d) any application for cancellation of any such registration is that shown in column 5 of the Schedule.

Fees for new certificates

3. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by the Commission in respect of issuing a new certificate of registration under section 24(2)(d) of the Act is £75 (£72).

Revocation

4. The 2003 Order and the Regulation of Care (Fees) (Scotland) Amendment Order 2003(**3**) are hereby revoked.

St Andrew's House, Edinburgh
8th March 2004

TOM McCABE
Authorised to sign by the Scottish Ministers

(**3**) S.S.I. 2003/573