

**2012 No. 1479**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**SOCIAL WORKERS**

**The Health and Social Care Act 2012 (Consequential  
Provision—Social Workers) Order 2012**

*Made* - - - - - *18th June 2012*

*Laid before Parliament* *20th June 2012*

*Coming into force in accordance with article 1(2)*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 303(1) and (2) of the Health and Social Care Act 2012(a).

Before doing so, in accordance with section 303(4) of that Act, the Secretary of State for Health has consulted the Scottish Ministers.

**Citation, commencement, extent and application**

**1.**—(1) This Order may be cited as the Health and Social Care Act 2012 (Consequential Provision—Social Workers) Order 2012.

(2) This Order comes into force on 1st August 2012, except for paragraph 90 of the Schedule and article 11 so far as relating to it, which come into force on 1st October 2012.

(3) Except as mentioned in paragraph (4), this Order extends to England and Wales, Scotland and Northern Ireland.

(4) An amendment made by this Order has the same extent and application as the provision amended.

**Amendment of the Health and Social Work Professions Order 2001**

**2.** In article 13 of the Health and Social Work Professions Order 2001(b) (transitional provisions relating to admission to the register)—

(a) in paragraph (1), after “(1A)” insert “or (1B)”, and

(b) after paragraph (1A) insert—

“(1B) This paragraph applies to a person who applies for admission to the register as a social worker on or after 1st August 2012.”

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(a) 2012 c. 7.

(b) S.I. 2002/254. The Order is so re-named by section 213(4) and (6) of the Health and Social Care Act 2012 (c. 7). Article 13 has been amended by S.I. 2004/2033, 2009/1182 and 2010/233.

### **Amendment of Health Professions (Parts of and Entries in the Register) Order of Council 2003**

3.—(1) The Health Professions (Parts of and Entries in the Register) Order of Council 2003(a) is amended as follows.

(2) In article 1(2) (interpretation), in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 1 (parts of the register), in the table, after the final entries in columns 1 and 2 add—

- (a) in column 1, “Part 16–Social Workers”, and
- (b) in column 2, “Social Worker”.

### **Amendment of Health Professions Council (Registration and Fees) Rules Order of Council 2003**

4.—(1) The Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003(b) (the Health Professions Council (Registration and Fees) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation), in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In rule 2A (application to visiting health professionals from relevant European States), including the heading to that rule, for “visiting health professionals” substitute “visiting health or social work professionals”.

(4) In rule 10 (registration period)—

(a) after paragraph (2B) insert—

“(2C) The first registration period of a social worker who, on 1st August 2012, is transferred to the register by virtue of article 4(1) of the General Social Care Council (Transfer of Register and Abolition–Transitional and Saving Provision) Order of Council 2012(c) (transfer of register of social workers maintained by General Social Care Council) ends on 30th November 2012.”;

(b) In paragraph (3), for “(2A) or (2B)” substitute “(2A), (2B) or (2C)”.

(5) In rule 11A (continuing professional development), in paragraph (2), for “health professional” substitute “registrant”.

(6) In rule 14 (registration fee)—

(a) in paragraph (1), for “(2) to (4)” substitute “(2) to (5)”;

(b) after paragraph (4) add—

“(5) A social worker whose first registration period is provided for in rule 10(2C) is not liable to pay a registration fee in respect of that registration period.”.

(7) In Schedule 5 (registration period), after the entry in column 1 relating to “Radiographers: Diagnostic or Therapeutic” and the corresponding entry in column 2, insert—

- (a) in column 1, “Social Workers”, and
- (b) in column 2, “30th November in an even-numbered year”.

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(a) S.I. 2003/1571. Schedule 1 has been amended by S.I. 2004/2033 and 2522, 2009/1182 and 2010/233.

(b) S.I. 2003/1572. Rule 2 was amended, and rule 2A inserted, by S.I. 2007/3101. Rule 11A was inserted by S.I. 2005/1625. Rule 15 was most recently substituted by S.I. 2009/1355. Rule 10 was amended, and Schedule 5 substituted, by S.I. 2004/2524. Other relevant amendments were made by S.I. 2005/2114, 2007/1280, 2009/272 and 1355 and 2010/479.

(c) S.I.2012/1480.

### **Amendment of the Health Professions (Screeners) Rules Order of Council 2003**

**5.**—(1) The Schedule to the Health Professions (Screeners) Rules Order of Council(a) (the Health Professions Council (Screeners) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation)—

- (a) omit the definition of “health professional”,
- (b) in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and omit “and” at the end, and
- (c) after that definition insert—  
““registrant” means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended; and”.

(3) In rule 4 (panels), in paragraph (3), for “health professional” substitute “registrant”.

(4) In rule 5 (consideration of allegations), in each of sub-paragraphs (a) and (b) of paragraph (5), for “health professional” substitute “registrant”.

### **Amendment of the Health Professions Council (Investigating Committee) Procedure Rules Order of Council 2003**

**6.**—(1) The Schedule to the Health Professions Council (Investigating Committee) Procedure Rules Order of Council 2003(b) (the Health Professions Council (Investigating Committee) (Procedure) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation)—

- (a) omit the definition of “health professional”,
- (b) in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”,
- (c) in both paragraphs of the definition of “Presenting Officer”, for “health professional” substitute “registrant”, and
- (d) after the definition of “register entry allegation” insert—

““registrant” means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended;”.

(3) In each of the following rules, in each place where it occurs (including the heading to rule 9), for “health professional”, “health professional’s” or “health professionals” substitute respectively “registrant”, “registrant’s” or “registrants”—

- (a) rule 3 (service of documents),
- (b) rule 4 (investigation of allegations),
- (c) rule 5 (notice of register entry allegation),
- (d) rule 6 (register entry allegations—procedure),
- (e) rule 8 (conduct of hearing),
- (f) rule 8A (vulnerable witnesses), and
- (g) rule 9 (absence of the health professional).

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(a) S.I. 2003/1573.

(b) S.I. 2003/1574; relevant amending instruments are S.I. 2005/1625 and 2009/1355.

**Amendment of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003**

7.—(1) The Schedule to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003(a) (the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation)—

- (a) omit the definition of “health professional”,
- (b) in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”,
- (c) in the definition of “Presenting Officer”, for “health professional” substitute “registrant”, and
- (d) after the definition of “Presenting Officer” insert—

““registrant” means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended.”.

(3) In each of the following rules, in each place where it occurs (including the heading to rule 11), for “health professional”, “health professional’s” or “health professionals” substitute respectively “registrant”, “registrant’s” or “registrants”—

- (a) rule 3 (service of documents),
- (b) rule 4 (referral to Health Committee),
- (c) rule 5 (allegations),
- (d) rule 6 (hearings),
- (e) rule 8 (further investigations),
- (f) rule 9 (compliance with standards),
- (g) rule 10 (conduct of hearing),
- (h) rule 10A (vulnerable witnesses),
- (i) rule 11 (absence of the health professional),
- (j) rule 12 (disposal of cases).

**Amendment of the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003**

8.—(1) The Schedule to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003(b) (the Health Professions Council (Health Committee) (Procedure) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation)—

- (a) omit the definition of “health professional”,
- (b) in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”,
- (c) in the definition of “Presenting Officer”, for “health professional” substitute “registrant”, and
- (d) after the definition of “Presenting Officer” insert—

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(a) S.I. 2003/1575; relevant amending instruments are S.I. 2005/1625, 1182 and 1355. S.I. 2009/1182 inserted new subparagraphs (da) and (db) into rule 10(1), but the amendment was to come into force on the coming into force of section 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). That provision has never come into force and is to be repealed by section 75(6) of the Protection of Freedoms Act 2012 (c. 9).

(b) S.I. 2003/1576; relevant amending instruments are S.I. 2005/1625 and 2009/1355.

““registrant” means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended.”.

(3) In each of the following rules, in each place where it occurs (including the heading to rule 11), for “health professional”, “health professional’s” or “health professionals” substitute respectively “registrant”, “registrant’s” or “registrants”—

- (a) rule 3 (service of documents),
- (b) rule 4 (referral to Conduct and Competence Committee),
- (c) rule 5 (allegations),
- (d) rule 6 (hearings),
- (e) rule 8 (further investigations),
- (f) rule 9 (compliance with standards),
- (g) rule 10 (conduct of hearing),
- (h) rule 10A (vulnerable witnesses),
- (i) rule 11 (absence of the health professional),
- (j) rule 12 (disposal of cases).

#### **Amendment of the Health Professions Council (Registration Appeals) Rules Order of Council 2003**

**9.**—(1) The Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003(a) (the Health Professions Council (Registration Appeals) Rules 2003) is amended as follows.

(2) In rule 2 (interpretation), in the definition of “Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In rule 14 (conduct of hearing), in paragraph (1), for “health professional” substitute “appellant”.

#### **Amendment of the Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules Order of Council 2009**

**10.** In the Schedule to the Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules Order of Council 2009(b) (the Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009), in rule 2 (interpretation)—

- (a) in paragraph (a) of the definition of “lay member”, omit “or” at the end of sub-paragraph (ii), and for “and” at the end of sub-paragraph (iii) substitute—

“or

- (iv) registered as a social worker, or as a visiting social worker from a relevant European state, in a register maintained under section 56 of the Care Standards Act 2000 or in any equivalent register provided for under the law of Scotland or Northern Ireland; and,” and

- (b) in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Other consequential provision**

**11.** The Schedule to this Order, which contains further amendments and other provision consequential on Part 7 of the Health and Social Care Act 2012, has effect.

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(a) S.I. 2003/1579, amended by S.I. 2009/1355.

(b) S.I. 2009/1355.

Signed by authority of the Secretary of State for Health.

18th June 2012

*Anne Milton*  
Parliamentary Under-Secretary of State  
Department of Health

## SCHEDULE

Article 11

### Consequential amendments and other provision

#### Part 1

Amendments consequential on re-naming of Health Professions Order 2001

##### **National Assistance (Professions Supplementary to Medicine) Regulations 1964**

1. In regulation 2 of the National Assistance (Professions Supplementary to Medicine) Regulations 1964(a) (interpretation), in paragraph (2) (in both forms(b)), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

##### **National Health Service (Professions Supplementary to Medicine) Regulations 1974**

2. In regulation 2 of the National Health Service (Professions Supplementary to Medicine) Regulations 1974(c) (interpretation), in paragraph (2) (in both forms(d)), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

##### **National Health Service (Speech Therapists) Regulations 1974**

3. In regulation 3 of the National Health Service (Speech Therapists) Regulations 1974(e) (employment of officers), in paragraph (5), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

##### **National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974**

4. In regulation 2 of the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974(f) (interpretation), in paragraph (2), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

##### **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

5. In Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(g) (excepted professions, offices, employments, work and occupations), in Part 1 (professions), in

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- (a) S.I. 1964/939; relevant amending instruments are S.I. 2002/880 and 2003/1590.  
(b) Paragraph (2) was substituted in relation to England only by S.I. 2003/1590.  
(c) S.I. 1974/494; relevant amending instruments are S.I. 1978/1090, 2002/880 and 2003/1590.  
(d) Paragraph (2) was substituted in relation to England only by S.I. 2003/1590.  
(e) S.I. 1974/495; relevant amending instruments are S.I. 1985/47 and 2003/1590.  
(f) S.I. 1974/549 (S. 49); the relevant amending instrument is S.I. 2003/1590.  
(g) S.I. 1975/1023. The Order was revoked in relation to Scotland by S.S.I. 2003/231. Schedule 1 to the Order has been amended by section 39(2) of the Osteopaths Act 1993 (c. 21) and by section 40(2) of the Chiropractors Act 1994 (c. 17). Relevant amending instruments are S.I. 2001/1192, 2002/441, 2003/1590, 2005/848, 2006/2143, 2007/289 and 2009/1182.

paragraph 10, for “Health Professions Order 2001 applies” substitute “Health and Social Work Professions Order 2001 applies, other than the profession of social worker.”.

### **Medicines (Labelling and Advertising to the Public) Regulations 1978**

6. In regulation 5 of the Medicines (Labelling and Advertising to the Public) Regulations 1978(a) (prohibition of representations), in paragraph (2)(b), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980**

7. In regulation 1(2) of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(b) (interpretation), in sub-paragraph (a)—

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Medicines (Pharmacy and General Sale–Exemption) Order 1980**

8. In article 1(2) of the Medicines (Pharmacy and General Sale–Exemption) Order 1980(c) (interpretation), in sub-paragraph (a), in each of the following, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”—

- (a) the definitions of each of “registered chiropodist”, “registered dietician”, “registered occupational therapist”, “registered orthoptist”, “registered orthotist and prosthetist”, “registered paramedic”, “registered physiotherapist”, “registered radiographer” and “registered speech and language therapist”,
- (b) paragraph (c) of the definition of “relevant register”, and
- (c) paragraph (d) of the definition of “supplementary prescriber”.

### **Health Education Board for Scotland Order 1990**

9. In the Schedule to the Health Education Board for Scotland Order 1990(d) (enactments applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **National Health Service (Pharmaceutical Services) Regulations 1992**

10. In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992(e) (interpretation)—

- (a) in paragraph (c) of the definition of “relevant register”(f), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and

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(a) S.I. 1978/41; relevant amending instruments are S.I. 2002/880, 2003/1590 and 2004/1771.  
(b) S.I. 1980/1923. The definitions of “relevant register” and “supplementary prescriber” were inserted by S.I. 2003/698 and amended by S.I. 2004/1771, 2005/764, and 1520, 2006/914, 2007/289 and 2010/231.  
(c) S.I. 1980/1924; relevant amending instruments are S.I. 2003/1590, 2004/1, 1190 and 1771, 2005/766 and 1507, 2006/915, 2007/289 and 2010/231.  
(d) S.I. 1990/2639 (S. 224); the relevant amending instrument is S.I. 2003/1590.  
(e) S.I. 1992/662. These regulations were revoked in their application to England by S.I. 2005/641.  
(f) The definition of “relevant register” was inserted in relation to Wales by S.I. 2007/205 and amended by S.I. 2007/289 and 2010/231.

- (b) in paragraph (a) of the definition of “supplementary prescriber”(a), in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994**

11. In regulation 1(2) of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(b) (interpretation)—

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”,
- (b) in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **State Hospitals Board for Scotland Order 1995**

12. In the Schedule to the State Hospitals Board for Scotland Order 1995(c) (enactments applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Prescription Only Medicines (Human Use) Order 1997**

13.—(1) The Prescription Only Medicines (Human Use) Order 1997(d) is amended as follows.

(2) In article 1(2) (interpretation), in sub-paragraph (a), in each of the following, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”—

- (a) the definitions of each of “registered chiropodist”, “registered dietician”, “registered occupational therapist”, “registered orthoptist”, “registered orthotist and prosthetist”, “registered paramedic”, “registered physiotherapist”, “registered radiographer” and “registered speech and language therapist”,
- (b) paragraph (c) of the definition of “relevant register”, and
- (c) paragraph (d) of the definition of “supplementary prescriber”.

(3) In article 13A (exemptions relating to prescriptions given by certain health professionals), in paragraph (1)(d), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Pharmaceutical Services Regulations (Northern Ireland) 1997**

14. In regulation 2(1) of the Pharmaceutical Services Regulations (Northern Ireland) 1997(e), in paragraph (a) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

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- (a) The definition of “supplementary prescriber” was inserted in relation to Wales by S.I. 2003/2624 and substituted by S.I. 2010/1647.
  - (b) S.I. 1994/3144. The definitions of “relevant register” and “supplementary prescriber” were inserted by S.I. 2005/768 and amended by S.I. 2005/1520, 2006/914, 2007/289 and 2010/231.
  - (c) S.I. 1995/574 (S. 43); the relevant amending instrument is S.I. 2003/1590.
  - (d) S.I. 1997/1830. Relevant amendments to article 1 were made by S.I. 2003/696 and 1590, 2004/1189 and 1771, 2005/765 and 1507, 2006/915, 2007/289 and 2010/231. Article 13A was inserted by S.I. 2002/549 and relevant amendments made by S.I. 2003/696, 2005/765, 2005/1507 and 2006/915.
  - (e) S.R. (NI) 1997 No. 381. The definition of “supplementary prescriber” was inserted by S.R. (NI) 2003 No. 447 and most recently substituted by S.R. (NI) 2009 No. 191.



### **Scottish Ambulance Service Board Order 1999**

15. In the Schedule to the Scottish Ambulance Service Board Order 1999(a) (enactments applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999**

16. In regulation 1(2) of the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(b) (interpretation), in the definition of “health care professional”, in paragraph (e), for “Health Professions Order 2001 extends” substitute “Health and Social Work Professions Order 2001 extends (other than that of social worker)”.

### **Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**

17. In regulation 5 of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(c) (disqualification for appointment: chairman and non-officer members), in paragraph (5)(e), for “Health Professions Order 2001 extends” substitute “Health and Social Work Professions Order 2001 extends (other than that of social worker)”.

### **National Health Service (Charges for Drugs and Appliances) Regulations 2000**

18. In regulation 2(1) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(d) (interpretation), in paragraph (a) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Representation of the People (England and Wales) Regulations 2001**

19. In regulation 53 of the Representation of the People (England and Wales) Regulations 2001(e) (additional requirements for application for a proxy vote for a definite or indefinite period on grounds of blindness or other disability)—

- (a) in paragraph (2)(j), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in paragraph (3)(a), after sub-paragraph (ii) add—
  - “(iii) the person is a social worker who qualifies by virtue of sub-paragraph (j) of paragraph (2), and has arranged care or assistance for the applicant in respect of that disability; or”.

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(a) S.I. 1999/686 (S. 47); the relevant amending instrument is S.I. 2003/1590.

(b) S.I. 1999/2337; relevant amending instruments are S.I. 2002/880, 2004/1771, 2005/848 and 2007/3101.

(c) S.I. 2000/89; relevant amending instruments are S.I. 2002/880, 2004/1771, 2005/848 and 2007/3101.

(d) S.I. 2000/620. The definition of “supplementary prescriber” was inserted by S.I. 2003/699, substituted by S.I. 2006/913 and amended by S.I. 2007/389 and 2010/231.

(e) S.I. 2001/341. The heading of regulation 53 was amended, and paragraphs (2) to (4) were substituted, by S.I. 2006/2910. Paragraph (2) was further amended by S.I. 2009/1182 and 2010/231.

### **Representation of the People (Scotland) Regulations 2001**

20. In regulation 53 of the Representation of the People (Scotland) Regulations 2001(a) (additional requirements for application for a proxy vote for a particular or indefinite period on grounds of blindness or other disability), in paragraph (2)(j)—

- (a) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) at the end add “, other than the profession of social worker;”.

### **Misuse of Drugs Regulations 2001**

21. In regulation 2(1) of the Misuse of Drugs Regulations 2001(b) (interpretation), in the definition of “operating department practitioner”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **NHS 24 (Scotland) Order 2001**

22. In the Schedule to the NHS 24 (Scotland) Order 2001(c) (enactments to be applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001**

23. In regulation 4 of the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001(d) (disqualification for appointment as convenor or member of Scottish Social Services Council), in paragraph (5)(f), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Scottish Social Services Council (Consultation on Codes of Practice) Order 2001**

24. In article 2 of the Scottish Social Services Council (Consultation on Codes of Practice) Order 2001(e) (consultation on codes of practice), in paragraph (i), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **NHS Education for Scotland Order 2002**

25. In the Schedule to the NHS Education for Scotland Order 2002(f) (enactments to be applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002**

26. In regulation 3 of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002(g) (membership of the Committee), in paragraph (3)(h), for “Health Professions Order 2001

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(a) S.I. 2001/497 (S. 2). The heading of regulation 53 was amended, and paragraphs (2) to (4) were substituted, by S.I. 2007/925 (S. 2). Paragraph (2) was further amended by S.I. 2009/1182, 2010/231 and 2011/2581.  
(b) S.I. 2001/3998. The definition of “operating department practitioner” was inserted by S.I. 2007/2154.  
(c) S.S.I. 2001/137; the relevant amending instrument is S.I. 2003/1590.  
(d) S.S.I. 2001/303; the relevant amending instrument is S.I. 2003/1590.  
(e) S.S.I. 2001/424; the relevant amending instrument is S.I. 2003/1590.  
(f) S.S.I. 2002/103; the relevant amending instrument is S.I. 2003/1590.  
(g) S.S.I. 2002/190; relevant amending instruments are S.I. 2003/1590, S.S.I. 2004/212 and S.I. 2010/231.

applies” substitute “Health and Social Work Professions Order 2001 applies (other than that of social worker)”.

#### **National Waiting Times Centre Board (Scotland) Order 2002**

27. In the Schedule to the National Waiting Times Centre Board (Scotland) Order 2002(a) (enactments to be applied to the Board), in Part 3, in column 2 of the entry relating to the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Misuse of Drugs Regulations (Northern Ireland) 2002**

28. In regulation 2(2) of the Misuse of Drugs Regulations (Northern Ireland) 2002(b) (interpretation), in the definition of “operating department practitioner”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Health Professions Council (Functions of Assessors) Rules Order of Council 2003**

29. In the Schedule to the Health Professions Council (Functions of Assessors) Rules Order of Council 2003(c) (the Health Professions Council (Functions of Assessors) Rules 2003), in the definition of “the Order” in rule 2 (interpretation), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Health Professions Order 2001 (Legal Assessors) Order of Council 2003**

30.—(1) The Health Professions Order 2001 (Legal Assessors) Order of Council 2003(d) is amended as follows.

(2) In article 1(1) (citation), for “Health Professions Order 2001 (Legal Assessors) Order 2003” substitute “Health and Social Work Professions Order 2001 (Legal Assessors) Order 2003”.

(3) In article 1(2) (interpretation), in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(4) In the title to the Order, for “Health Professions Order 2001 (Legal Assessors) Order of Council 2003” substitute “Health and Social Work Professions Order 2001 (Legal Assessors) Order of Council 2003”.

#### **Medicines (Child Safety) Regulations 2003**

31. In regulation 1(2) of the Medicines (Child Safety) Regulations 2003(e) (interpretation)—

(a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and

(b) in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Registered Health Care Profession (Designation) Order 2003**

32. In article 2 of the Registered Health Care Profession (Designation) Order 2003(f) (designation of paramedics), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

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(a) S.S.I. 2002/305; the relevant amending instrument is S.I. 2003/1590.

(b) S.R. (NI) 2002 No. 1. The definition of “operating department practitioner” was inserted by S.R. (NI) 2007 No. 348.

(c) S.I. 2003/1577.

(d) S.I. 2003/1578. This Order is cited as “the Health Professions Order 2001 (Legal Assessors) Order 2003”, but its title appears as “Health Professions Order 2001 (Legal Assessors) Order of Council 2003”.

(e) S.I. 2003/2317; relevant amending instruments are S.I. 2004/1771, 2005/1520, 2006/914, 2007/289 and 2010/231.

(f) S.I. 2003/2461.

### **Registered Health Care Profession (Designation No. 2) Order 2003**

33. In article 2 of the Registered Health Care Profession (Designation No. 2) Order 2003(a) (designation of paramedics), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

34. In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(b) (excepted professions, offices, employments and occupations), in Part 1 (professions), in paragraph 10, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **National Health Service (General Medical Services Contracts) Regulations 2004**

35.—(1) The National Health Service (General Medical Services Contracts) Regulations 2004(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (b) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 6 (other contractual terms), in paragraph 80 (provision of information to a medical officer etc.), in each of paragraphs (c) and (d) of sub-paragraph (4), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **European Parliamentary Elections Regulations 2004**

36. In Schedule 2 to the European Parliamentary Elections Regulations 2004(d) (absent voting), in paragraph 23 (additional requirements for applications for a proxy vote on grounds of blindness or other disability)—

- (a) in sub-paragraph (2)(j), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”,
- (b) in sub-paragraph (2)(n)(i), omit “England and”, and
- (c) in sub-paragraph (3)(a), after paragraph (ii) add—
  - “(iii) the person is a social worker who qualifies by virtue of sub-paragraph (2)(j), and has arranged care or assistance for the applicant in respect of that disability; or”.

### **National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

37.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(e) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and

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(a) S.I. 2003/2462.  
(b) S.S.I. 2003/231. Paragraph 10 of Part 1 of Schedule 4 was substituted by S.I. 2003/1590. Other relevant amending instruments are S.I. 2004/1771 and 2007/289, S.S.I. 2007/75 and S.I. 2009/1182.  
(c) S.I. 2004/291. The definition of “supplementary prescriber” in regulation 2(1) was amended by S.I. 2005/893, 2005/3315, 2006/1501, 2007/289 and 2010/231. Paragraph 80 of Schedule 6 was substituted by S.I. 2010/578.  
(d) S.I. 2004/293. Schedule 2 was substituted by S.I. 2009/186, and paragraph 23 amended by S.I. 2011/2501.  
(e) S.I. 2004/478 (W. 48). The definition of “relevant register” in regulation 2(1) was amended by S.I. 2007/205, 2007/289 and 2010/231, and that of “supplementary prescriber” by S.I. 2006/358, 2007/289, 2010/231 and 2010/1647. Paragraph 78 of Schedule 6 was substituted by S.I. 2010/729.

- (b) in paragraph (b) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 6 (other contractual terms), in paragraph 78 (provision of information to a medical officer etc.), in each of paragraphs (c) and (d) of sub-paragraph (4), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **National Health Service (Personal Medical Services Agreements) Regulations 2004**

**38.**—(1) The National Health Service (Personal Medical Services Agreements) Regulations 2004(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (b) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 5 (other contractual terms), in paragraph 76 (provision of information to a medical officer etc.), in each of paragraphs (c) and (d) of sub-paragraph (4), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Medicines for Human Use (Clinical Trials) Regulations 2004**

**39.** In regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004(b) (interpretation), in paragraph (f) of the definition of “health care professional”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001, other than a social worker registered in Part 16”.

#### **National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

**40.**—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 5 (other contractual terms), in paragraph 72 (provision of information to a medical officer etc.), in each of paragraphs (c) and (d) of sub-paragraph (4), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004**

**41.**—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(d) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) In Schedule 1 (content of agreements), in paragraph 38 (provision of information to medical officer etc.), in each of paragraphs (c) and (d) of sub-paragraph (4), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

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(a) S.I. 2004/627. The definition of “supplementary prescriber” in regulation 2(1) was amended by S.I. 2005/893, 2005/3315, 2006/1501, 2007/289 and 2010/578. Paragraph 76 of Schedule 5 was substituted by S.I. 2010/578.

(b) S.I. 2004/1031; the relevant amending instrument is S.I. 2007/3101.

(c) S.S.I. 2004/115. The definition of “supplementary prescriber” in regulation 2(1) was substituted by S.S.I. 2006/247 and amended by S.I. 2007/289 and 2010/231. Paragraph 72 of Schedule 5 was substituted by S.S.I. 2010/93.

(d) S.S.I. 2004/116. The definition of “supplementary prescriber” in regulation 2(1) was substituted by S.S.I. 2006/248 and amended by S.I. 2007/289 and S.S.I. 2010/93. Paragraph 38 of Schedule 1 was substituted by S.S.I. 2010/93.

#### **Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004**

42. In article 5 of the Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004(a) (disqualification for appointment), in paragraph (10)(d), for “Health Professions Order 2001 extends” substitute “Health and Social Work Professions Order 2001 extends (other than the profession of social worker)”.

#### **Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004**

43. In regulation 2 of the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(b) (interpretation), in paragraph (b) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **National Health Service (Pharmaceutical Services) Regulations 2005**

44. In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 2005(c) (interpretation), in paragraph (a) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Medicines for Human Use (Prescribing) Order 2005**

45. In article 1(4) of the Medicines for Human Use (Prescribing) Order 2005(d) (interpretation)—

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005**

46. In article 5 of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005(e) (disclosure for medical purposes), in paragraph (3)(e), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Gender Recognition (Disclosure of Information) (Scotland) Order 2005**

47. In article 5 of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005(f) (disclosure for medical purposes), in paragraph (2)(b)(v), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

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(a) S.R. (NI) 2004 No. 62.  
(b) S.R. (NI) 2004 No. 140; the relevant amending instrument is S.R. (NI) 2005 No. 368.  
(c) S.I. 2005/641. The definition of “supplementary prescriber” was substituted by S.I. 2006/913 and amended by S.I. 2007/289 and 2010/231.  
(d) S.I. 2005/765. The definition of “relevant register” was amended by S.I. 2005/1507, 2007/289 and 2010/231, and that of “supplementary prescriber” by S.I. 2005/1507.  
(e) S.I. 2005/916, amended by S.I. 2007/239 and 2010/231.  
(f) S.S.I. 2005/125, amended by S.I. 2007/239 and 2010/231.

### **Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005**

**48.** In Schedule 1 to the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005(a) (exemptions and exceptions from the certain registration requirements), in paragraph 1 (interpretation)—

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **National Health Service (Local Pharmaceutical Services etc.) Regulations 2006**

**49.** In regulation 2(1) of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(b) (interpretation), in paragraph (a) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007**

**50.**—(1) The English language text of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(c) is amended as follows.

(2) In regulation 2(1) (interpretation) —

- (a) in paragraph (c) of the definition of “relevant register”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in paragraph (a) of the definition of “supplementary prescriber”, in sub-paragraph (iv), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(3) The Welsh language text of those regulations (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007) is amended as follows.

(4) In regulation 2(1) (dehongli)—

- (a) in paragraph (c) of the definition of “cofrestr berthnasol”, for “Orchymyn Proffesiynau Iechyd 2001” substitute “Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”, and
- (b) in paragraph (a) of the definition of “rhagnodydd atodol”, in sub-paragraph (iv), for “Orchymyn Proffesiynau Iechyd Cymru 2001” substitute “Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

### **National Assembly for Wales (Representation of the People) Order 2007**

**51.** In Schedule 1 to the National Assembly for Wales (Representation of the People) Order 2007(d) (absent voting at Assembly elections), in paragraph 4 (additional requirements for applications on grounds of blindness or other disability)—

- (a) in sub-paragraph (2)(j), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) in sub-paragraph (3)(a), after paragraph (ii) insert—

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(a) S.I. 2005/2750, amended by S.I. 2006/914 and 2010/231.

(b) S.I. 2006/552; the definition of “supplementary prescriber” was amended by S.I. 2006/913.

(c) S.I. 2007/121 (W. 11). The definitions of “relevant register” and “supplementary prescriber” were amended by S.I. 2010/1647.

(d) S.I. 2007/236; relevant amending instruments are S.I. 2009/182 and 2010/231.

- “(iii) the person is a social worker who qualifies by virtue of sub-paragraph (2)(j), and has arranged care or assistance for the applicant in respect of that disability; or”.

#### **Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007**

52. In regulation 8 of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007(a) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or other disability), in paragraph (2)(j)—

- (a) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) at the end add “, other than the profession of social worker;”.

#### **Safeguarding Vulnerable Groups (Northern Ireland) Order 2007**

53. In article 43 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(b) (registers: duty to refer), in paragraph (7), in entry no.10 of the Table, for “Health Professions Order 2001” in column 1 substitute “Health and Social Work Professions Order 2001”.

#### **Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008**

54. In Schedule 1 to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008(c) (professional requirements), in paragraph (c), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008**

55. In regulation 5 of the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008(d) (eligibility to carry out a best interests assessment), in paragraph (2)(d), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008**

56. In regulation 2 of the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008(e) (conditions of appointment for chair and non-executive members of the Council), in paragraph (2)(j), for paragraph (iii) substitute—

- “(iii) Health and Social Work Professions Order 2001,”.

#### **Mental Health (Approval of Persons to be Approved Mental Health Professionals) (Wales) Regulations 2008**

57.—(1) In Schedule to the English language text of the Mental Health (Approval of Persons to be Approved Mental Health Professionals) (Wales) Regulations 2008(f) (professional

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(a) S.S.I. 2007/170; relevant amending instruments are S.I. 2009/182 and S.S.I. 2011/211.  
(b) S.I. 2007/1351 (N.I. 11).  
(c) S.I. 2008/1206.  
(d) S.I. 2008/1858.  
(e) S.I. 2008/2927; the relevant amending instrument is S.I. 2010/231.  
(f) S.I. 2008/2436 (W. 209).



requirements), in paragraph 1(c) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(2) In Schedule 1 to the Welsh language text of those regulations (Rheoliadau Iechyd Meddwl (Cymeradwyo Personau i fod yn Weithwyr Proffesiynol Iechyd Meddwl Cymeradwy) (Cymru) 2008) (gofynion proffesiynol) in paragraph 1(c), for “Orchymyn Proffesiynau Iechyd 2001” substitute “Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

#### **Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008**

**58.** In article 3 of the Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008(a) (restriction on the authorisation of council officers to perform investigative functions under the 2007 Act), in paragraph (2)(a)(iii), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Mental Capacity (Deprivation of Liberty: Assessments, Standard Authorisations and Disputes about Residence) (Wales) Regulations 2009**

**59.**—(1) In regulation 5 of the English language text of the Mental Capacity (Deprivation of Liberty: Assessments, Standard Authorisations and Disputes about Residence) (Wales) Regulations 2009(b) (eligibility to carry out best interests assessments), in paragraph (1)(d), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(2) In regulation 5 of the Welsh language text of those regulations (Rheoliadau Galluedd Meddyliol (Amddifadu o Ryddid: Aseidiadau, Awdurdodiadau Safonol ac Anghydfodau ynghylch Preswyliaeth) (Cymru) 2009), in paragraph (1)(ch), for “Orchymyn Proffesiynau Iechyd 2001” substitute “Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

#### **Health Professions Council (Constitution) Order 2009**

**60.** In article 1(2) of the Health Professions Council (Constitution) Order 2009(c) (interpretation), in the definition of “the Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **Medicines (Exemptions and Miscellaneous Amendments) Order 2009**

**61.** In article 1(2) of the Medicines (Exemptions and Miscellaneous Amendments) Order 2009(d) (interpretation), in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

#### **National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**62.** In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(e) (interpretation), in paragraph (d) of the definition of “supplementary prescriber”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

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(a) S.S.I. 2008/306.

(b) S.I. 2009/783 (W. 69).

(c) S.I. 2009/1345.

(d) S.I. 2009/3062.

(e) S.S.I. 2009/183; the definition of “supplementary prescriber” was amended by S.I. 2010/231.

### **Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009**

63. In regulation 2 of the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009(a) (membership of local commissioning groups), in paragraph (2)(i), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**

64. In regulation 2 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(b) (interpretation), in the definition of “the 2001 Order”, for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

### **Scottish Parliament (Elections etc.) Order 2010**

65. In Schedule 3 to the Scottish Parliament (Elections etc.) Order 2010(c) (absent voting), in paragraph 5 (additional requirements for applications on grounds of disability), in sub-paragraph (2)(i)—

- (a) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) at the end add “, other than the profession of social worker;”.

### **Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

66.—(1) In Schedule 1 to the English language text of the Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011(d) (professional requirements), in each of paragraphs (c), (d), (f), (g) and (h), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(2) In Schedule 1 to the Welsh language text of those regulations (Rheoliadau Iechyd Meddwl (Cydgyssylltu Gofal a Chynllunio Gofal a Thriniaeth) (Cymru) 2011) (gofynion proffesiynol), in each of paragraphs (c), (ch), (dd), (e) and (f), for “Orchymyn Proffesiynau Iechyd 2001” substitute “Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

### **Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011**

67. In regulation 1(2) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011(e) (interpretation), in paragraph (f) of the definition of “health care professional”—

- (a) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) at the end add “, other than the profession of social worker;”.

### **Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011**

68. In regulation 4 of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011(f) (welfare of users), in paragraph (4)(f)—

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(a) S.R. (NI) 2009 No. 395.  
(b) S.I. 2010/781.  
(c) S.I. 2010/2999 (S. 9).  
(d) S.I. 2011/2942 (W. 318).  
(e) S.S.I. 2011/182, amended by S.S.I. 2011/211.  
(f) S.S.I. 2011/210.

- (a) for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”, and
- (b) at the end add “, other than the profession of social worker;”.

**Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012**

**69.**—(1) In the Schedule to the English language text of the Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012(**a**) (professional requirements), in paragraph 1(c) and (d), for “Health Professions Order 2001” substitute “Health and Social Work Professions Order 2001”.

(2) In the Schedule to the Welsh language text of those regulations (Rheoliadau Iechyd Meddwl (Atgyfeiriadau Gofal Sylfaenol a Chymhwysra i Gynnal Asesiadau Iechyd Meddwl Sylfaenol) (Cymru) 2012) (gofynion proffesiynol) in paragraph 1(c) and 1(ch), for “Gorchymyn Proffesiynau Iechyd 2001” substitute “Gorchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

**Part 2**

**Amendments and other provision consequential on abolition of the General Social Care Council and the transfer of its register of social workers**

**Jobseeker’s Allowance Regulations 1996**

**70.** In regulation 14A of the Jobseeker’s Allowance Regulations 1996(**b**) (circumstances in which a person is to be treated as available—domestic violence), in paragraph (10), in the definition of “registered social worker”, for paragraph (a) substitute—

“(a) the Health and Care Professions Council.”

**Public Interest Disclosure (Prescribed Persons) Order 1999**

**71.** In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(**c**) (persons to whom protected disclosures may be made), omit the entry for the General Social Care Council.

**Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001**

**72.** In regulation 4 of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(**d**) (disqualification for appointment), in paragraph (1)—

- (a) in sub-paragraph (e), for “General Social Care Council,” substitute “Health and Care Professions Council,”;
- (b) in sub-paragraph (f), after “of the Act,” insert “in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001,”.

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(a) S.I. 2012/1305 (W. 166).  
 (b) S.I. 1996/207. Regulation 14A was inserted by S.I. 2012/853.  
 (c) S.I. 1999/1549. The Schedule was substituted by S.I. 2003/1993; there are no amendments relevant to the entry for the General Social Care Council.  
 (d) S.R. (NI) 2001 No. 313.

## **Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004**

73. In Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(a) (Employment Tribunals rules of procedure), in the Annex(b) (list of regulators), omit the entry for the General Social Care Council.

## **Adoption Agencies Regulations 2005**

74.—(1) The Adoption Agencies Regulations 2005(c) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “social worker”, for “a register maintained by the General Social Care Council or” substitute “Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in the register maintained by”.

(3) In regulation 37 (independent reviewing officers), in paragraph (2), for “a register maintained by the General Social Care Council or” substitute “Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in the register maintained”.

## **Adoption Agencies (Wales) Regulations 2005**

75.—(1) In regulation 2 of the English language text of the Adoption Agencies (Wales) Regulations 2005(d) (interpretation), in the definition of “social worker”, for “a register maintained by the Care Council for Wales or the General Social Care Council under section 56 of the Care Standards Act 2000” substitute “the register maintained by the Care Council for Wales under section 56 of the Care Standards Act 2000, in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001,”.

(2) In regulation 2 of the Welsh language text of those regulations (Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005) (dehongli), in the definition of “gweithiwr cymdeithasol”, for “mewn cofrestr a gynhelir gan Gyngor Gofal Cymru neu'r Cyngor Gofal Cymdeithasol Cyffredinol o dan adran 56 o Ddeddf Safonau Gofal 2000” substitute “yn y gofrestr a gynhelir gan Gyngor Gofal Cymdeithasol Cymru o dan adran 56 o Ddeddf Safonau Gofal 2000, yn Rhan 16 o'r gofrestr a gynhelir gan Gyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001,”.

## **Regulation of Care (Social Service Workers) (Scotland) Order 2005**

76. In article 3 of the Regulation of Care (Social Service Workers) (Scotland) Order 2005(e) (persons excluded from description of social service worker), in paragraph (1), omit sub-paragraph (a).

## **Regulation of Care (Prescribed Registers) (Scotland) Order 2005**

77. In article 2 of the Regulation of Care (Prescribed Registers) (Scotland) Order 2005(f) (prescribed registers), for paragraph (a) substitute—

“(a) Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001;”.

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(a) S.I. 2004/1861.

(b) The Annex was inserted by S.I. 2010/131 and amended by S.I. 2011/2581 and 2012/725.

(c) S.I. 2005/389.

(d) S.I. 2005/1313 (W. 95).

(e) S.S.I. 2005/318. Article 3 has been amended by S.I. 2009/1182 and 2010/231.

(f) S.S.I. 2005/432.

### **Registration of Social Care Workers (Relevant Registers) Regulations (Northern Ireland) 2005**

78. In regulation 2 of the Registration of Social Care Workers (Relevant Registers) Regulations (Northern Ireland) 2005(a) (prescription of relevant registers), for paragraph (a) substitute—

“(a) Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001;”.

### **Permitted Persons (Designation) Order 2006**

79. In article 2 of the Permitted Persons (Designation) Order 2006(b) (which designates persons who may make disclosures to the Judicial Appointments Commission), in entry no. 12, for “the General Social Care Council;” substitute “the Health and Care Professions Council (but in relation to social workers only);”.

### **Review of Children’s Cases (Wales) Regulations 2007**

80.—(1) In regulation 3 of the English language text of the Review of Children’s Cases (Wales) Regulations 2007(c) (independent reviewing officers), in paragraph (3)—

(a) omit “or by the General Social Care Council,” and

(b) after “2000” insert “, in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001,”.

(2) Regulation 3 of the Welsh language text of those regulations (Rheoliadau Adolygu Achosion Plant (Cymru) 2007) (swyddogion adolygu annibynnol), in paragraph (3)—

(a) omit “neu gan y Cyngor Gofal Cymdeithasol Cyffredinol,” and

(b) after “2000” insert “, yn Rhan 16 o’r gofrestr a gynhelir gan Gyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001,”.

### **Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007**

81. In regulation 8 of the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007(d) (persons who may provide an LPA certificate), in paragraph (4), in the definition of “registered social worker”, for paragraph (a) substitute—

“(a) the Health and Care Professions Council;”.

### **European Communities (Recognition of Professional Qualifications) Regulations 2007**

82. In the European Communities (Recognition of Professional Qualifications) Regulations 2007(e), in Schedule 1 (regulated professions), in the entry for “Social Worker in England” in the Table in Part 1, in column 2, for “General Social Care Council” substitute “Health and Care Professions Council”.

### **Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

83. In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(f) (which lists regulatory functions to which sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 apply), in Part 1A, omit “The General Social Care Council”.

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(a) S.R. (NI) 2005 No. 227.

(b) S.I. 2006/679.

(c) S.I. 2007/307 (W. 26).

(d) S.I. 2007/1253.

(e) S.I. 2007/2781; there are no amendments relevant to the entry in Schedule 1 for “Social Worker in England”.

(f) S.I. 2007/3544. Part 1A of the Schedule was inserted by S.I. 2009/2981.

## **Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008**

**84.**—(1) The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008(a) are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “General Social Care Council”.

(3) In regulation 3 (granting approval as AMHP), in paragraph (3), for “the General Social Care Council or” substitute “the Health and Care Professions Council under section 114ZA of the Mental Health Act 1983 or by”(b).

(4) In Schedule 1 (professional requirements)—

(a) omit paragraph (a), and

(b) in paragraph (c), after “Part 6” insert “, or a social worker registered in Part 16,”.

(5) In relation to a course approved before 1st August 2012, regulations 2 and 3 of these Regulations are to be treated as continuing to have effect as if they had not been amended by sub-paragraphs (2) and (3) of this paragraph.

## **Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008**

**85.**—(1) The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008(c) are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “General Social Care Council”.

(3) In regulation 5 (eligibility to carry out a best interests assessment), in paragraph (2)—

(a) omit sub-paragraph (b), and

(b) in sub-paragraph (d), after “Part 6” insert “, or a social worker registered in Part 16,”.

## **Independent Review of Determinations (Adoption and Fostering) Regulations 2009**

**86.** In regulation 2 of the Independent Review of Determinations (Adoption and Fostering) Regulations 2009(d) (interpretation), in the definition of “social worker”, for “in a register maintained by the General Social Care Council or” substitute “in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in a register maintained by”.

## **Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010**

**87.**—(1) In regulation 2 of the English language text of the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010(e) (interpretation), in the definition of “social worker”, for “in a register maintained by the General Social Care Council or” substitute “in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in a register maintained by”.

(2) In regulation 2 of the Welsh language text of those Regulations 2010 (Rheoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010) (dehongli), in the definition of “gweithiwr cymdeithasol”, for “ar gofrestr a gynhelir gan y Cyngor Gofal Cymdeithasol Cyffredinol neu” substitute “yn Rhan 16 o'r gofrestr a gynhelir gan Gyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001, mewn cofrestr a gynhelir gan”.

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(a) S.I. 2008/1206.

(b) Section 114ZA of the Mental Health Act 1983 (c.20) is inserted by section 217(2) of the Health and Social Care Act 2012 (c.7).

(c) S.I. 2008/1858.

(d) S.I. 2009/395.

(e) S.I. 2010/746 (W. 75).

### **Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**

**88.**—(1) The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(a) are amended as follows.

(2) In regulation 21 (requirements relating to workers), in paragraph (d)(ii), for “social care worker registered with the General Social Care Council,” substitute “social worker registered in Part 16 of the register maintained by the Health and Care Professions Council.”

(3) In Schedule 1 (regulated activities), in paragraph 5 (treatment of disease, disorder or injury), in sub-paragraph (4)(g), for “with” to the end substitute “in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001.”

### **Care Planning, Placement and Case Review (England) Regulations 2010**

**89.** In regulation 46 of the Care Planning, Placement and Case Review (England) Regulations 2010(b) (qualifications and experience of independent reviewing officers), in paragraph (1), for “a register maintained by the General Social Care Council or” substitute “Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in the register maintained”.

### **Scottish Parliament (Disqualification) Order 2010**

**90.** In Part 1 of the Schedule to the Scottish Parliament (Disqualification) Order 2010(c) (office-holders disqualified from being a member of the Scottish Parliament), omit “Any member of the General Social Care Council.”

### **Fostering Services (England) Regulations 2011**

**91.** In regulation 23 of the Fostering Services (England) Regulations 2011(d) (constitution and membership of fostering panel), in paragraph (10)(b), for “a register maintained by the General Social Care Council or” substitute “Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in the register maintained”.

### **Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011**

**92.** In regulation 18 of the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011(e) (appointment of independent reviewing officer), in paragraph (2), for “a register maintained by the General Social Care Council or” substitute “Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001, in the register maintained”.

### **Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

**93.**—(1) In Schedule 1 to the English language text of the Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011(f) (professional requirements), in paragraph (a), for “the General Social Care Council” substitute “in Part 16 of the register maintained under article 5 of the Health and Social Work Professions Order 2001”.

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- (a) S.I. 2010/781.
  - (b) S.I. 2010/959.
  - (c) S.I. 2010/2476.
  - (d) S.I. 2011/581.
  - (e) S.I. 2011/582.
  - (f) S.I. 2011/2942 (W. 318).

(2) In Schedule 1 to the Welsh language text of those regulations (Rheoliadau Iechyd Meddwl (Cydgysylltu Gofal a Chynllunio Gofal a Thriniaeth) (Cymru) 2011), (gofynion proffesiynol), in paragraph (a), for “y Cyngor Gofal Cymdeithasol Cyffredinol” substitute “yn Rhan 16 o’r gofrestr a gynhelir gan Gyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

### **Integrated Family Support Teams (Composition of Teams and Board Functions) (Wales) Regulations 2012**

**94.**—(1) In regulation 1(2) of the English language text of the Integrated Family Support Teams (Composition of Teams and Board Functions) (Wales) Regulations 2012(a) (interpretation), in the definition of “social worker”, omit “the General Social Care Council.”.

(2) In regulation 1(2) of the Welsh language text of those regulations (Rheoliadau Timau Integredig Cymorth i Deuluoedd (Cyfansoddiad Timau a Swyddogaethau Byrddau) (Cymru) 2012) (dehongli), in the definition of “gweithiwr cymdeithasol”, omit “y Cyngor Gofal Cymdeithasol Cyffredinol”.

### **Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012**

**95.**—(1) In the Schedule to the English language text of the Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012(b) (professional requirements), in paragraph 1(a), for “the General Social Care Council” substitute “in Part 16 of the register maintained under article 5 of the Health and Social Work Professions Order 2001”.

(2) In the Schedule to the Welsh language text of those regulations (Rheoliadau Iechyd Meddwl (Atgyfeiriadau Gofal Sylfaenol a Chymhwystro i Gynnal Aseidiadau Iechyd Meddwl Sylfaenol) (Cymru) 2012) (gofynion proffesiynol) in paragraph 1(a), for “y Cyngor Gofal Cymdeithasol Cyffredinol” substitute “yn Rhan 16 o’r gofrestr a gynhelir gan Gyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001”.

## **EXPLANATORY NOTE**

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

This Order makes amendments in subordinate legislation consequential on the abolition on 1st October 2012 of the General Social Care Council (“the GSCC”), and, before that, the transfer of its register on 1st August 2012 to the Health and Care Professions Council (“the HCPC”), as the Health Professions Council will be known from that date. The Act which provides for this is the Health and Social Care Act 2012, under which this Order is made. That Act itself deals with the change of name of the Health Professions Council, by providing that in future any reference to it by that name in any instrument or document is to be read as a reference to the Health and Care Professions Council (paragraph 53(1) of Schedule 15 to the Act). That Act also re-named the main instrument under which the Health Professions Council operates: it is currently called the Health Professions Order 2001 but from 1st August it is to be known as the Health and Social Work Professions Order 2001.

The GSCC is the regulatory body for social workers. Its register of social workers is transferred to the HCPC under a related Order, the General Social Care Council (Transfer of Register and Abolition—Transitional and Saving Provision) Order of Council 2012.

Articles 2 to 10 of this Order amend instruments relating to the HCPC (as it will become known) to reflect the change of name of the Health Professions Order 2001, to make provision for that part

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(a) S.I. 2012/202 (W. 33).

(b) S.I. 2012/1305 (W. 166).



of the HCPC's register (Part 16) which will relate to social workers, to substitute "registrant" for "health professional" in those instruments, and generally to accommodate social workers within the regulatory framework of the HCPC.

Part 1 of the Schedule to this Order makes amendments in subordinate legislation to reflect the change of name of the Health Professions Order 2001.

Part 2 of the Schedule makes amendments in subordinate legislation which are consequential on the transfer of the GSCC's register to the HCPC and on the abolition of the GSCC. In one case (at paragraph 84 of the Schedule) it is necessary also to preserve the effect of the former wording in relation to courses approved by the GSCC before 1st August 2012.

An impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full impact assessment has been produced in relation to the provisions of the Health and Social Care Act 2012, and a copy is available at [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_123583](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583).

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STATUTORY INSTRUMENTS

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**2012 No. 1479**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

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