



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### REGULATION OF CARE (SCOTLAND) ACT 2001

#### PART 1

#### THE COMMISSION AND CARE SERVICES

##### *Constitution of Commission*

- 1 Constitution of Scottish Commission for the Regulation of Care

##### *Care services*

- 2 Care services
- 3 Power to amend the definition of “care service”
- 4 Information and advice

##### *National care standards*

- 5 National care standards

##### *Complaints*

- 6 Complaints about care services

##### *Registration*

- 7 Applications for registration under Part 1
- 8 Limited registration
- 9 Grant or refusal of registration under Part 1

##### *Improvement notices*

- 10 Improvement notices
- 11 Special provision for certain care services provided by local authorities

##### *Proposals and applications in relation to registered care services*

- 12 Cancellation of registration

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- 13 Condition notices
- 14 Applications under Part 1 in respect of conditions
- 15 Further provision as respects notice of proposals
- 16 Right to make representations to Commission as respects proposals under Part 1
- 17 Notice of Commission's decision under Part 1
- 18 Urgent procedures for cancellation of registration etc.
- 19 Conditions as to numbers
- 20 Appeal against decision to implement proposal

#### *Offences*

- 21 Offences in relation to registration under Part 1
- 22 False statements in applications under Part 1
- 23 Offences by bodies corporate etc.

#### *Fees*

- 24 Registration fees

#### *Inspections*

- 25 Inspections
- 26 Integrated inspections
- 27 Further provision as regards inspections

#### *Regulations*

- 28 Regulations relating to the Commission, to registration and to registers
- 29 Regulations relating to care services

#### *Transfer of staff*

- 30 Transfer of staff

#### *Miscellaneous*

- 31 Arrangements entered into by local authority or health body: services to be registered
- 32 Giving of notice

### **PART 2**

#### LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

- 33 Local authority applications for registration under Part 2
- 34 Grant of local authority application under Part 2
- 35 Condition notices: services registered under Part 2
- 36 Applications under Part 2 in respect of conditions
- 37 Right to make representations to Commission under Part 2 as respects conditions
- 38 Notice of Commission's decision under Part 2
- 39 Appeal against decision under Part 2
- 40 Offences under Part 2
- 41 Report to Scottish Ministers
- 42 Default powers of Scottish Ministers

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### **PART 3**

#### **THE COUNCIL**

##### *Constitution*

- 43 Constitution of Scottish Social Services Council

##### *Registration*

- 44 Register of social workers and of other social service workers  
45 Applications for registration under Part 3  
46 Grant or refusal of registration under Part 3  
46A Visiting social workers from relevant European States  
46B Qualifications gained outside Scotland  
47 Variation etc. of conditions in relation to registration under Part 3  
48 Right to make representations to Council as respects decision under section 47  
49 Removal etc. from the Council's register  
50 Notice of Council's decision under rules under section 49

##### *Appeal*

- 51 Appeal against decision of Council

##### *Offence*

- 52 Use of title "social worker" etc.

##### *Codes of practice*

- 53 Codes of practice

##### *Training*

- 54 Approval of courses etc.  
55 Grants and allowances for social service workers' training

##### *Regulations and rules*

- 56 Regulations relating to the Council  
57 Power of Council to make rules

##### *Notification of dismissal etc. for misconduct and provision of other information to Council*

- 57A Notification of dismissal etc. to Council  
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##### *Functions of the Scottish Ministers*

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- 64 Complaints procedure
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#### *Central Council for Education and Training in Social Work: cessation of Scottish functions*

- 67 Cessation of exercise of certain functions by Central Council for Education and Training in Social Work

#### *Grants, loans and other payments*

- 68 Grants in respect of activities relating to child care and family support
- 69 Amendment of Social Work (Scotland) Act 1968: delegation of power to make grants and loans to certain voluntary organisations etc.
- 70 Amendment of Social Work (Scotland) Act 1968: direct payments to children for care services
- 71 Amendment of Children Act 1975: maintenance payments to children

#### *Nursing in local authority residential accommodation*

- 72 Provision by local authorities of residential accommodation in which nursing is provided

#### *After-care*

- 73 Amendment of Children (Scotland) Act 1995: after-care

#### *Place of safety*

- 74 Amendment of Children (Scotland) Act 1995: "place of safety"

#### *Panels*

- 75 Panels for curators ad litem, reporting officers and safeguarders
- 76 Amendment of Children (Scotland) Act 1995: Children's Panel Advisory Committees

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- 2 Membership
- 3 .....
- 4 .....
- 5 .....
- 6 General powers
- 7 Regulations as to appointments, procedure etc.
- 8 Staff
- 9 Accounts
- 10 Reports

### SCHEDULE 2 — THE SCOTTISH SOCIAL SERVICES COUNCIL

- 1 Status
- 2 Membership
- 3 In making appointments under paragraph 2 above, the Scottish Ministers...
- 4 In making appointments under paragraph 2 above, the Scottish Ministers...
- 5 In paragraph 4 above, “requisite number” means at least two...
- 6 General powers
- 7 Regulations as to appointments, procedure etc.
- 8 Staff
- 9 Accounts
- 10 Reports

### SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 Human Tissue Act 1961 (c.54)
- 2 Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)
- 3 Sewerage (Scotland) Act 1968 (c.47)
- 4 Social Work (Scotland) Act 1968 (c.49)
- 5 Medicines Act 1968 (c.67)
- 6 Employment Agencies Act 1973 (c.35)
- 7 Adoption (Scotland) Act 1978 (c.28)
- 8 Water (Scotland) Act 1980 (c.45)
- 9 Administration of Justice Act 1982 (c.53)
- 10 Anatomy Act 1984 (c.14)
- 11 Mental Health (Scotland) Act 1984 (c.36)
- 12 Foster Children (Scotland) Act 1984 (c.56)

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- 13 Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)
- 14 Income and Corporation Taxes Act 1988 (c.1)
- 15 Children Act 1989 (c.41)
- 16 Opticians Act 1989 (c.44)
- 17 Environmental Protection Act 1990 (c.43)
- 18 Local Government Finance Act 1992 (c.14)
- 19 Children (Scotland) Act 1995 (c.36)
- 20 Criminal Procedure (Scotland) Act 1995 (c.46)
- 21 Police Act 1997 (c.50)
- 22 Adoption (Intercountry Aspects) Act 1999 (c.18)
- 23 Adults with Incapacity (Scotland) Act 2000 (asp 4)
- 24 . . . . .
- 25 Sexual Offences (Amendment) Act 2000 (c.44)

#### SCHEDULE 4 — REPEALS

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**Changes and effects yet to be applied to :**

- s. 2(5)(b) repealed by [2003 asp 13 Sch. 5 Pt. 1](#)
- s. 77(1) words repealed by [2003 asp 13 Sch. 5 Pt. 1](#)
- s. 77(1) words substituted by [2003 asp 13 Sch. 4 para. 10\(a\)](#)
- s. 77(1) words substituted by [2004 asp 7 sch. 1 para. 3](#)
- s. 77(2) words repealed by [2003 asp 13 Sch. 5 Pt. 1](#)