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STATUTORY INSTRUMENTS

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**2019 No. 1140**

**The Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019**

**PART 2**

**Registration of social workers**

**Transfer of registration on the transfer date**

3.—(1) A transferred social worker is treated, with effect from the transfer date, as—

- (a) having their name entered in the register, and
- (b) being registered on the same terms and, in particular subject to any condition or annotation, or any previous fitness to practise sanction, as their previous registration,

provided that their registration has not lapsed, been subject to any condition, annotation or previous fitness to practise sanction, or been removed, in accordance with the provisions of the Principal Regulations.

(2) For the purposes of paragraph (1)—

- (a) where a transferred social worker's previous registration was subject to a previous fitness to practise sanction, regulation 9(2) of the Principal Regulations is treated as requiring details of the equivalent fitness to practise sanction mentioned in the second column of the table in regulation 13(2) to be recorded in their entry in the register,
- (b) any condition to which a previous registration was subject by virtue of article 10(3) of the 2001 Order is treated as having been imposed in accordance with regulation 11(3) of the Principal Regulations,
- (c) where any qualification, specialism, accreditation, or competence was recorded in a transferred social worker's previous registration—
  - (i) that social worker is treated as being eligible to have that qualification, specialism, accreditation, or competence recorded in their entry in the register,
  - (ii) the regulator must annotate their entry with that information, and
  - (iii) regulation 12(1) of the Principal Regulations does not apply in relation to the recording of that information,
- (d) in regulation 14(1)(a) and (7)(a) of the Principal Regulations, and any rules made under regulation 14(6) of the Principal Regulations, the registration of a transferred social worker is treated as being fraudulently procured or incorrectly made where the regulator<sup>(1)</sup> is satisfied or has reasonable grounds to believe (as appropriate), that the entry in the HCPC register from which it is derived was fraudulently procured or incorrectly made,

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(1) By virtue of section 36(1) and (2) of the Children and Social Work Act 2017 a body corporate called "Social Work England" is established, and is referred to as "the regulator".

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (e) where all or part of any registration fee or renewal fee payable under the Registration and Fees Rules remains outstanding on the transfer date by virtue of an agreement made under rule 18(2) of the Registration and Fees Rules<sup>(2)</sup>, the outstanding amount is treated with effect from the transfer date as a fee payable to the regulator in accordance with rules made under regulation 17(3) of the Principal Regulations.
- (3) In this regulation, “previous registration”, in relation to a transferred social worker, means their registration as a social worker in the HCPC register immediately before the transfer date.

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(2) Rule 18(2) provides for the payment of fees by instalments.