



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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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
47 Variation etc. of conditions in relation to registration under Part 3
48 Right to make representations to Council as respects proposal
49 Removal etc. from the Council's register
50 Notice of Council's decision

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

Functions of the Scottish Ministers

- 58 Functions of the Scottish Ministers under this Part

PART 4

GENERAL PRINCIPLES

- 59 General principles

PART 5

PROVISIONS COMMON TO COMMISSION AND COUNCIL

Grants and guarantees

- 60 Grants
61 Guarantees

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Duty to consult

- 62 Duty of Commission and Council to consult each other
- 63 Guidance as to consultation

Complaints, inquiries and maladministration

- 64 Complaints procedure
- 65 Inquiries
- 66 Maladministration

PART 6

MISCELLANEOUS

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

PART 7

GENERAL

- 77 Interpretation
- 78 Orders and regulations
- 79 Minor and consequential amendments
- 80 Repeals and transitional provisions etc.
- 81 Short title and commencement

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1 — THE SCOTTISH COMMISSION FOR THE REGULATION OF CARE

- 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 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)*
- 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)*

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 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

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Care (Scotland) Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- Pt. 1 amendment to earlier affecting provision S.S.I. 2003/587, art. 2(2) by S.S.I. 2004/293 art. 2
- Pt. 1 extended by S.S.I. 2005/98 art. 2
- Pt. 1 modified (temp.) by S.S.I. 2003/587 art. 2
- Pt. 1 repealed by 2010 asp 8 sch. 14 para. 37
- Pt. 1 savings for effects of 2010 asp 8, Sch. 14 para. 37 by S.S.I. 2011/121 art. 15-21
- Pt. 1 savings for effects of 2010 asp 8, Sch. 14 para. 37 by S.S.I. 2011/169 art. 23
- Pt. 2 repealed by 2010 asp 8 sch. 14 para. 37
- Pt. 2 savings for effects of 2010 asp 8, Sch. 14 para. 37 by S.S.I. 2011/121 art. 15-21
- s. 50 heading words added by 2010 asp 8 sch. 15 para. 8
- s. 48 heading words substituted by 2010 asp 8 sch. 15 para. 5
- s. 2(1)(i)(j)(11)-(15) coming into force by S.S.I. 2004/100 art. 2(a)
- s. 2(1)(k)(16) coming into force by S.S.I. 2006/275 art. 2
- s. 2(1)(n)(8)(27) coming into force by S.S.I. 2003/205 art. 2(a)
- s. 2(5) words inserted by 2005 asp 13 s. 29
- s. 2(5)(b) repealed by 2003 asp 13 Sch. 5 Pt. 1
- s. 2(7) coming into force by S.S.I. 2003/205 art. 2(a)
- s. 2(10) coming into force by S.S.I. 2004/100 art. 2(a)
- s. 2(13) repealed by S.S.I. 2010/21 Sch. para. 6(2)
- s. 5(4) coming into force by S.S.I. 2004/100 art. 2(b)
- s. 8 coming into force by S.S.I. 2003/205 art. 2(b)
- s. 16(2) substituted by 2005 asp 13 s. 30(2)
- s. 21(3)(a) words substituted by 2007 asp 4 Sch. 2 para. 11(2)
- s. 21(3)(b) and word repealed by 2007 asp 4 Sch. 3
- s. 25(5)(a) words substituted by S.S.I. 2007/231 art. 2
- s. 25(5)(b) words substituted by S.S.I. 2007/231 art. 2
- s. 25(6)(b) words added by 2007 asp 4 Sch. 2 para. 11(3)
- s. 25(6)(b) words inserted by S.S.I. 2010/21 Sch. para. 6(3)(a)
- s. 25(6)(b) words repealed by 2007 asp 4 Sch. 3
- s. 25(6)(b) words repealed by S.S.I. 2010/21 Sch. para. 6(3)(b)
- s. 33(1)(a)(b) coming into force by S.S.I. 2004/100 art. 2(c)
- s. 37(2) substituted by 2005 asp 13 s. 30(3)
- s. 45(1) words inserted by S.I. 2007/3101 reg. 258(a)
- s. 46(1) words inserted by S.I. 2007/3101 reg. 259(a)
- s. 46(2) words repealed by 2010 asp 8 sch. 15 para. 2(a)
- s. 46(2)(c) words substituted by S.I. 2007/3101 reg. 259(b)
- s. 46(3) repealed by 2010 asp 8 sch. 15 para. 2(c)
- s. 46(4)-(7) omitted by S.I. 2007/3101 reg. 259(c)
- s. 47(1) words inserted by S.I. 2007/3101 reg. 261
- s. 47(1) words substituted by 2010 asp 8 sch. 15 para. 3(a)
- s. 47(2) word substituted by 2010 asp 8 sch. 15 para. 3(b)(ii)
- s. 48(1) words repealed by 2010 asp 8 sch. 15 para. 4(a)
- s. 48(2) substituted by 2005 asp 13 s. 30(4)
- s. 49(1)(e) word substituted by 2010 asp 8 sch. 15 para. 6
- s. 50(1) repealed by 2010 asp 8 sch. 15 para. 7(a)
- s. 50(1) words inserted by S.I. 2007/3101 reg. 262
- s. 50(2)(a) and word repealed by 2010 asp 8 sch. 15 para. 7(b)
- s. 50(3)(b) repealed by 2010 asp 8 sch. 15 para. 7(c)
- s. 50(4) words inserted by 2010 asp 8 sch. 15 para. 7(d)(i)
- s. 50(4) words repealed by 2010 asp 8 sch. 15 para. 7(d)(ii)
- s. 50(4)(a) words substituted by 2010 asp 8 sch. 15 para. 7(d)(iii)

- s. 51(1) substituted by S.I. 2007/3101 reg. 263
- s. 51(1) words substituted by 2005 asp 13 s. 30(5)
- s. 51(1) words substituted by 2010 asp 8 sch. 15 para. 9(b)
- s. 51(2) words repealed by 2010 asp 8 sch. 15 para. 9(c)(ii)
- s. 51(2) words substituted by 2010 asp 8 sch. 15 para. 9(c)(i)
- s. 51(2)(b) words inserted by S.I. 2016/1030 reg. 117(5)
- s. 52(1)(a)(2) coming into force by S.S.I. 2005/426 art. 2
- s. 53(2)(b) words substituted by 2010 asp 8 sch. 14 para. 3
- s. 59(1) words repealed by 2010 asp 8 sch. 14 para. 4(a)
- s. 60(1) words repealed by 2010 asp 8 sch. 14 para. 5(a)
- s. 60(1)(a) word substituted by 2010 asp 8 sch. 14 para. 5(b)
- s. 60(1)(b) words substituted by 2010 asp 8 sch. 14 para. 5(c)
- s. 61(1) words repealed by 2010 asp 8 sch. 14 para. 6(a)
- s. 61(4) words repealed by 2010 asp 8 sch. 14 para. 6(b)
- s. 62 word repealed by 2010 asp 8 sch. 14 para. 7(b)
- s. 62 word substituted by 2010 asp 8 sch. 14 para. 7(d)
- s. 62 words repealed by 2010 asp 8 sch. 14 para. 7(a)
- s. 62 words substituted by 2010 asp 8 sch. 14 para. 7(c)
- s. 63 word substituted by 2010 asp 8 sch. 14 para. 8(b)
- s. 63 words repealed by 2010 asp 8 sch. 14 para. 8(a)
- s. 64(1) word substituted by 2010 asp 8 sch. 14 para. 9(a)(ii)
- s. 64(1) words substituted by 2010 asp 8 sch. 14 para. 9(a)(i)
- s. 64(2) word substituted by 2010 asp 8 sch. 14 para. 9(b)
- s. 64(2) words repealed by 2010 asp 8 sch. 15 para. 11(a)(ii)
- s. 64(2) words substituted by 2010 asp 8 sch. 15 para. 11(a)(i)
- s. 64(3) word substituted by 2010 asp 8 sch. 14 para. 9(c)
- s. 64(3) words substituted by 2010 asp 8 sch. 15 para. 11(b)
- s. 64(4) word substituted by 2010 asp 8 sch. 14 para. 9(d)
- s. 65(1)(a) words repealed by 2010 asp 8 sch. 14 para. 10(a)(i)
- s. 65(1)(b) and word repealed by 2010 asp 8 sch. 14 para. 10(a)(ii)
- s. 65(2) repealed by 2010 asp 8 sch. 14 para. 10(b)
- s. 65(4)(b) repealed by 2010 asp 8 sch. 14 para. 10(c)
- s. 65(6) words repealed by 2010 asp 8 sch. 14 para. 10(d)(i)
- s. 65(6)(a) and word repealed by 2010 asp 8 sch. 14 para. 10(d)(ii)
- s. 65(7) word substituted by 2010 asp 8 sch. 14 para. 10(e)(ii)
- s. 65(7) word substituted by 2010 asp 8 sch. 14 para. 10(e)(iii)
- s. 65(7) word substituted by 2010 asp 8 sch. 14 para. 10(e)(v)
- s. 65(7) words repealed by 2010 asp 8 sch. 14 para. 10(e)(i)
- s. 65(7) words substituted by 2010 asp 8 sch. 14 para. 10(e)(iv)
- s. 65(9)(a) and word repealed by 2010 asp 8 sch. 14 para. 10(f)
- s. 68(1) word repealed by S.S.I. 2013/211 Sch. 1 para. 11(a)
- s. 68(1) word substituted by S.S.I. 2013/211 Sch. 1 para. 11(c)
- s. 68(1) words inserted by S.S.I. 2013/211 Sch. 1 para. 11(b)
- s. 70 repealed by S.S.I. 2014/90 Sch. Pt. 1
- s. 73(1)(a)(2)-(4) coming into force by S.S.I. 2003/596 art. 3(1)
- s. 73(1)(b) coming into force by S.S.I. 2003/596 art. 3(2)
- s. 73(2)(a) words inserted by 2014 asp 8 sch. 5 para. 8(a)
- s. 73(2)(a) words substituted by 2014 asp 8 sch. 5 para. 8(b)
- s. 74 repealed by S.S.I. 2013/211 Sch. 2
- s. 76 repealed by S.S.I. 2013/211 Sch. 2
- s. 77 substituted by S.S.I. 2011/211 Sch. 1 para. 9
- s. 77 words inserted by S.S.I. 2013/177 Sch. para. 5
- s. 77 words substituted by S.I. 2016/1030 reg. 118(2)
- s. 77(1) words inserted by S.S.I. 2005/465 Sch. 1 para. 30(2)(b)
- s. 77(1) words inserted by S.I. 2007/3101 reg. 265(a)
- s. 77(1) words inserted by S.I. 2007/3101 reg. 265(b)(ii)
- s. 77(1) words inserted by S.I. 2007/3101 reg. 265(b)(iii)
- 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 2003 asp 13 Sch. 4 para. 10(b)
- s. 77(1) words substituted by 2004 asp 7 sch. 1 para. 3
- s. 77(1) words substituted by 2007 asp 14 s. 82(2)
- s. 77(1) words substituted by 2007 asp 4 Sch. 2 para. 11(4)
- s. 77(1) words substituted by S.S.I. 2005/465 Sch. 1 para. 30(2)(a)
- s. 77(1) words substituted by S.I. 2007/3101 reg. 265(b)(i)
- s. 77(2) words repealed by 2003 asp 13 Sch. 5 Pt. 1
- s. 78(2)(b) words inserted by 2005 asp 13 s. 31(3)
- s. 79 coming into force by S.S.I. 2004/100 art. 2(d)
- s. 80(1) coming into force by S.S.I. 2004/100 art. 2(f)
- sch. 1 repealed by 2010 asp 8 sch. 14 para. 37
- Sch. 3 para. 4(2) coming into force by S.S.I. 2004/100 art. 2(e)
- Sch. 3 para. 7(1)-(10) coming into force by S.S.I. 2004/100 art. 2(e)
- Sch. 3 para. 7(11)(a)(c) coming into force by S.S.I. 2004/100 art. 2(e)
- Sch. 3 para. 11(2)-(7) repealed by 2003 asp 13 Sch. 5 Pt. 1
- Sch. 3 para. 7 repealed by 2007 asp 4 Sch. 3
- sch. 3 para. 25 repealed by 2009 asp 9 Sch. 6
- Sch. 3 para. 21 repealed by 2005 c. 15 Sch. 17 Pt. 2
- Sch. 4 coming into force by S.S.I. 2004/100 art. 2(g)
- specified provision(s) amendment to earlier commencing S.S.I. 2004/100, art. 3(2) 4(b) by S.S.I. 2004/377 art. 2
- specified provision(s) amendment to earlier commencing S.S.I. 2006/275, art. 3 by S.S.I. 2007/67 art. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 34
- Blanket amendment words substituted by S.I. 2011/1043 art. 36

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(4)-(4B) substituted for s. 2(4) by 2007 asp 14 s. 82(1)
- s. 2(11)-(12B) substituted for s. 2(11)(12) by 2007 asp 4 s. 7
- s. 25(3)(a)(i)-(iv) substituted for s. 25(3)(a)(i)(ii) by S.S.I. 2009/131 art. 4
- s. 25(5)(a)(i)-(iv) substituted for words by S.S.I. 2009/131 art. 5
- s. 25(5)(b)(i)-(iv) substituted for words by S.S.I. 2009/131 art. 5
- s. 25(5A)(5B) inserted by 2005 asp 13 s. 31(2)
- s. 44(1)(aa) inserted by S.I. 2007/3101 reg. 257(a)
- s. 44(2)(2A) substituted for s. 44(2) by S.I. 2007/3101 reg. 257(b)
- s. 45(1A) inserted by S.I. 2007/3101 reg. 258(b)
- s. 46(2A)-(2H) inserted by 2010 asp 8 sch. 15 para. 2(b)
- s. 46A46B inserted by S.I. 2007/3101 reg. 260
- s. 46A(2) word substituted by S.I. 2016/1030 reg. 116(2)
- s. 46A(5) word substituted by S.I. 2016/1030 reg. 116(3)(a)
- s. 46A(5) word substituted by S.I. 2016/1030 reg. 116(3)(b)
- s. 47(2)(a) words in s. 47(2) renumbered as s. 47(2)(a) by 2010 asp 8 sch. 15 para. 3(b)(i)
- s. 47(2)(b)(c) added by 2010 asp 8 sch. 15 para. 3(b)(iii)
- s. 48(2)-(4) substituted for s. 48(2) by 2010 asp 8 sch. 15 para. 4(b)
- s. 50(5) added by 2010 asp 8 sch. 15 para. 7(e)
- s. 51(A1)-(A5) inserted by 2010 asp 8 sch. 15 para. 9(a)
- s. 51(1)(a) word omitted by S.I. 2016/1030 reg. 117(2)
- s. 51(1)(b) word inserted by S.I. 2016/1030 reg. 117(3)
- s. 51(1)(c) inserted by S.I. 2016/1030 reg. 117(4)
- s. 51(2)(c) and word inserted by 2010 asp 8 sch. 15 para. 9(c)(iii)
- s. 53(3A)(3B) inserted by 2010 asp 8 sch. 15 para. 10(a)
- s. 53(6)(7) inserted by 2010 asp 8 sch. 15 para. 10(b)

- s. 57(2A) inserted by S.I. 2007/3101 reg. 264
- s. 57A57B and cross-heading inserted by 2005 asp 13 s. 32
- s. 59(5) inserted by 2010 asp 8 sch. 14 para. 4(b)
- Sch. 3 para. 22(b)(c) coming into force by S.S.I. 2004/100 art. 2(e)
- Sch. 3 para. 14(d)(e) repealed by 2010 c. 8 Sch. 10 Pt. 13

Commencement Orders yet to be applied to the Regulation of Care (Scotland) Act 2001

Commencement Orders bringing legislation that affects this Act into force:

- S.S.I. 2004/522 art. 2 commences (2003 asp 5)
- S.S.I. 2005/161 art. 2-4 commences (2003 asp 13)
- S.S.I. 2005/492 art. 3Sch. 1-3 commences (2005 asp 13)
- S.S.I. 2006/166 art. 2 commences (2005 c. 15)
- S.S.I. 2007/385 art. 2Sch. commences (2007 asp 14)
- S.S.I. 2009/267 art. 2 commences (2007 asp 4)
- S.S.I. 2010/221 art. 3Sch. commences (2010 asp 8)
- S.S.I. 2010/321 art. 3Sch. commences (2010 asp 8)
- S.S.I. 2010/357 art. 2 commences (2009 asp 9)
- S.S.I. 2011/122 art. 2Sch. commences (2010 asp 8)
- S.S.I. 2011/157 art. 2(a) commences (2007 asp 14)