



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 1

THE COMMISSION AND CARE SERVICES

Offences

21 Offences in relation to registration under Part 1

- (1) Any person who—
 - (a) provides a care service while it is not registered under this Part; or
 - (b) with intent to deceive, pretends that a care service is registered under this Part,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (2) Any person who fails to comply with section 9(4) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Subsection (1)(a) above does not apply as respects actings which—
 - (a) constitute an offence under section 11 of the Adoption (Scotland) Act 1978 (c.28); or
 - (b) fall within the exception provided for in subsection (1) of that section.

Annotations:

Commencement Information

- II** S. 21 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, **art. 2(e)** (subject to arts. 3-13)

22 False statements in applications under Part 1

- Any person who, in an application—
- (a) for registration under this Part; or

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- (b) for variation or removal of a condition in force in relation to a registration under this Part,

knowingly makes a statement which is false or misleading in a material respect shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Annotations:

Commencement Information

I2 S. 22 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, **art. 2(e)** (subject to arts. 3-13)

23 Offences by bodies corporate etc.

Where an offence under this Part, or under regulations made under this Part, committed by—

- (a) a body corporate other than a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
- (i) is a director, manager or secretary of the body corporate; or
 - (ii) purports to act in any such capacity;
- (b) a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
- (i) is an officer or member of the authority; or
 - (ii) purports to act in any such capacity;
- (c) a firm, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
- (i) is a partner in the firm; or
 - (ii) purports to act in that capacity;
- (d) an unincorporated association other than a firm, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
- (i) is concerned in the management or control of the association; or
 - (ii) purports to act in the capacity of a person so concerned;

the person (as well as the body corporate or as the case may be the local authority, firm or association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

Annotations:

Commencement Information

I3 S. 23 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, **art. 2(e)** (subject to arts. 3-13)

Changes to legislation:

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Changes and effects yet to be applied to :

- 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(1)(aa) omitted by [S.I. 2019/593 Sch. 9 para. 3\(a\)](#)
- s. 44(2)(2A) substituted for s. 44(2) by [S.I. 2007/3101 reg. 257\(b\)](#)
- s. 44(2)(b) omitted by [S.I. 2019/593 Sch. 9 para. 3\(b\)](#)
- s. 44(2A) omitted by [S.I. 2019/593 Sch. 9 para. 3\(c\)](#)
- s. 45(1A) inserted by [S.I. 2007/3101 reg. 258\(b\)](#)
- s. 45(1A) omitted by [S.I. 2019/593 Sch. 9 para. 4\(b\)](#)
- 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 omitted by [S.I. 2019/593 Sch. 9 para. 5](#)
- 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. 46B(a) omitted by [S.I. 2019/593 Sch. 9 para. 6](#)
- 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) omitted by [S.I. 2019/593 Sch. 9 para. 8\(a\)](#)
- 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(1)(c) omitted by [S.I. 2019/593 Sch. 9 para. 8\(a\)](#)
- 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. 57(2A) omitted by [S.I. 2019/593 Sch. 9 para. 9](#)
- 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)