



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 1

THE COMMISSION AND CARE SERVICES

Registration

7 Applications for registration under Part 1

- (1) A person who seeks to provide a care service shall make an application to the Commission for registration of the service.
- (2) An application shall—
 - (a) give such information as may be prescribed about prescribed matters;
 - (b) identify an individual (who may be the applicant) who is to manage the service;
 - (c) give any other information which the Commission may reasonably require the applicant to give; and
 - (d) without prejudice to subsection (1)(b) of section 24 of this Act, be accompanied by the fee imposed under subsection (2)(a) of that section.
- (3) A person who provides, or seeks to provide, more than one care service must make a separate application in respect of each of them.
- (4) The provision, by two or more branches, of services which (but for this subsection) would be one care service, shall, for the purposes of this Act, instead be treated as the provision of two, or as the case may be a number of, separate care services, each by one of those branches.
- (5) In subsection (4) above, “branch” means an entity, of whatever description, which is separately carried on or managed; but a branch may provide a care service from two or more premises.
- (6) A person who provides an adoption service or a fostering service must be a voluntary organisation.
- (7) Subsections (1) to (6) above do not apply to a local authority—

Status: Point in time view as at 01/04/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (a) seeking to provide—
 - (i) an adoption service mentioned in subsection (11)(a); or
 - (ii) a fostering service mentioned in subsection (14)(a) or (c),
 of section 2 of this Act; or
 - (b) seeking to provide a care service in respect of which they have made such determination as is mentioned in section 33(1)(c) of this Act.
- (8) Subsection (7)(b) above is subject to section 33(3) of this Act.

Commencement Information

II S. 7 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**)

VALID FROM 01/04/2003

8 Limited registration

- (1) For the purposes of Part 4 of the Adults with Incapacity (Scotland) Act 2000 (asp 4) (management of resident's finances), a person who provides, or seeks to provide, a service which provides accommodation but is not a care service may make an application to the Commission for registration of the service.
- (2) Subsection (2) of section 7 of this Act applies in relation to an application under subsection (1) above as it applies in relation to an application under subsection (1) of that section.
- (3) Sections 7(3) to (5), 9, 24 and 28 of this Act apply in relation to a service in respect of which an application is made under subsection (1) above as they apply in relation to a care service.
- (4) Sections 6, 10 to 20, 24 to 28, 29 (except subsections (4) and (6)) and 32 apply in relation to a service registered under section 9 of this Act by virtue of subsection (3) above (a service so registered being, in this Act, referred to as a limited registration service) as they apply in relation to a registered care service.

9 Grant or refusal of registration under Part 1

- (1) An application under section 7 of this Act may be granted either unconditionally or subject to such conditions as the Commission thinks fit to impose.
- (2) If the Commission is satisfied, in relation to the application, that the requirements of—
 - (a) such regulations as are applicable under section 29 of this Act to the care service; and
 - (b) any other enactment which appears to the Commission to be relevant,
 will be complied with in relation to that service, it shall give notice under section 15(1)(a), or as the case may be 17(1), of this Act; otherwise it shall give notice under section 15(1)(b) of this Act.
- (3) On granting the application the Commission shall issue a certificate of registration to the applicant.

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- (4) The person for the time being providing the service shall ensure that the certificate (or a copy of it) is, while the certificate is current, kept affixed in a conspicuous place in each of the premises in or from which that service is provided; and, if those premises do not include the principal (or only) office of the service, then in that office also.

Commencement Information

I2 S. 9 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](#))

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