



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 3

THE COUNCIL

Registration

46 Grant or refusal of registration under Part 3

- (1) An application [^{F1}under section 45(1) of this Act] for registration under this Part may be granted either unconditionally or subject to such conditions as the Council thinks fit to impose.
- (2) If the Council is satisfied that the applicant—
- (a) is of good character;
 - (b) satisfies such requirements as to competence or conduct as the Council may by rules impose; and
 - (c) except where [^{F2}section 46B of this Act] applies, either—
 - (i) satisfies such requirements as to education as the Council may by rules impose and has successfully completed a course of training, approved by the Council, for persons wishing to become social workers or, as the case may be, for persons wishing to become social service workers of the description in relation to which registration is sought; or
 - (ii) in the case of an application for registration as a social service worker other than a social worker, satisfies such requirements as the Council may by rules impose in relation to social service workers of the description in relation to which registration is sought,it shall grant the application unconditionally^{F3}....

[^{F4}(2A) Where an application is granted unconditionally—

- (a) the Council shall give the applicant notice of its so granting the application; and
- (b) registration shall take effect immediately on such notice being given.

(2B) If the Council is not satisfied as mentioned in subsection (2), it shall—

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Section 46. (See end of Document for details)

- (a) grant the application subject to such conditions as it thinks fit; or
 - (b) refuse the application.
- (2C) The Council shall give the applicant notice of its decision under subsection (2B), which shall—
- (a) give the Council's reasons for the decision; and
 - (b) explain the right of appeal conferred by section 51 of this Act.
- (2D) A decision to refuse the application takes effect immediately on notice to that effect being given.
- (2E) Notice of a decision to grant the application subject to conditions shall state—
- (a) the conditions; and
 - (b) that, within fourteen days after service of the notice, the applicant may make written representations to the Council concerning any matter which the applicant wishes to dispute.
- (2F) Subject to subsections (2G) and (2H), a decision to grant the application subject to conditions takes effect at the end of the fourteen day period mentioned in subsection (2E).
- (2G) Where—
- (a) the applicant makes such representations as are mentioned in subsection (2E);
 - (b) the Council, having considered the representations, confirms the decision mentioned in subsection (2F); and
 - (c) no appeal is brought under section 51 of this Act,
- the decision takes effect on the expiry of the fourteen day period mentioned in subsection (A1) of that section for bringing such an appeal.
- (2H) Where an appeal against a decision mentioned in subsection (2F) is brought under section 51 of this Act (whether or not such representations as are mentioned in subsection (2E) are also made), the decision takes effect only when the appeal is finally determined or abandoned.]

- F⁵(3)
- F⁶(4)
- F⁶(5)
- F⁶(6)
- F⁶(7)

Textual Amendments	
F1	Words in s. 46(1) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 259(a)
F2	Words in s. 46(2)(c) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 259(b)
F3	Words in s. 46(2) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8) , s. 134(7), sch. 15 para. 2(a) ; S.S.I. 2010/221, art. 3(2), sch.
F4	S. 46(2A)-(2H) inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8) , s. 134(7), sch. 15 para. 2(b) ; S.S.I. 2010/221, art. 3(2), sch.

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- F5** S. 46(3) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 2(c)**; S.S.I. 2010/221, art. 3(2), sch.
- F6** S. 46(4)-(7) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **259(c)**

Commencement Information

- I1** S. 46 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:

There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Section 46.