
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

**The Risk Assessment and Minimisation
(Accreditation Scheme) (Scotland) Order 2006**

ACCREDITATION

Applications

3.—(1) Subject to paragraph (4), a person seeking—

- (a) accreditation for the purposes of section 11(1)(a) of the 2003 Act of a manner of assessing or minimising risk; or
- (b) to be accredited for the purposes of section 11(1)(b) of the 2003 Act,

shall apply to the Authority in such form and subject to such conditions as it shall specify.

(2) A person to whom paragraph (1)(a) applies shall provide the Authority with evidence of the effectiveness of the manner of assessing or minimising risk.

(3) A person to whom paragraph (1)(b) applies shall provide the Authority with evidence of any relevant education, training or expertise received or held by him or her.

(4) No member of the Authority nor any of its employees may make an application under paragraph (1).

Accreditation committee

4.—(1) The Authority shall constitute an accreditation committee which shall, if authorised to do so by the Authority, take decisions as to—

- (a) the award of accreditation, either generally or for any particular purpose or purposes, following application made under article 3;
- (b) the subsequent withdrawal or suspension of an accreditation under article 7 or 8; and
- (c) the determination of complaints under article 16.

(2) The Authority shall appoint a minimum of two of its members to form the accreditation committee (but it shall not so appoint the convener) and shall appoint one of those members to chair the committee.

(3) The quorum shall be two of the members so appointed, of whom one must be the person appointed to chair the committee, and a decision may be taken by a majority of the members, provided that the person appointed to chair the committee shall, in the event that the votes of the members of the committee are tied, have a second vote.

(4) The validity of any proceedings of the accreditation committee is not affected by the absence of any member appointed under paragraph (2), provided that the number of members present does not fall below two.

(5) Subject to the provisions of this Order and to any measure taken by the Authority under paragraph 4(1)(c)(i) of schedule 2 to the 2003 Act⁽¹⁾, the accreditation committee may regulate its own procedure for dealing with any matter before it.

Decisions

5.—(1) Where the Authority does not authorise the accreditation committee for the purposes of article 4(1), references to the accreditation committee in this article and in articles 6, 7, 8 and 15 shall be read as references to the Authority.

(2) The accreditation committee shall decide, within 2 months of receipt of the application, whether to award accreditation, unless it considers that a longer period is required to determine a particular application in which case it will, within that 2 month period, notify the applicant of this fact and of the reasons.

(3) The accreditation committee may request that the applicant (or, in the case of a legal person applying under article 3(1)(a), a nominee of the applicant) attend a meeting of the committee and any such request shall be sent no later than 4 weeks after receipt of the application.

(4) The accreditation committee shall not consider an application made during a period of disqualification within the meaning of article 7(9).

(5) A decision to award accreditation—

- (a) shall specify the period for which the accreditation will be valid (which period must begin on the date of the decision, or, where a decision is taken during an existing period of accreditation, on the expiry of that existing period, and in any case must last no longer than 3 years);
- (b) shall state that the accreditation is for all purposes or shall specify a particular purpose or purposes for which it is valid; and
- (c) may include such conditions as the accreditation committee considers appropriate, including conditions (in respect of the accreditation of persons) as to training or the continued membership of, or registration with, a professional regulatory body.

(6) The Authority shall send the applicant written notification of the decision within 2 weeks of it being taken.

(1) Paragraph 4(1) was substituted by section 13(3)(a) of the Management of Offenders etc. (Scotland) Act 2005.