

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning joint inspections carried out under section 1155 of the Public Services (Reform) Scotland Act 2010 ('the Act').

Regulation 3 sets out who is an authorised person for the purposes of joint inspections carried out under section 115.

Regulation 4 gives authorised persons the right to enter and inspect premises. Regulations 5 and 6 concern the power to require information, an explanation of the information and disposal of information acquired during the inspection, requiring persons to assist authorised persons, including producing information and providing an explanation of such information, and giving authorised persons the power to take photographs, recordings or measurements as necessary for the purposes of an inspection.

Regulation 7 provides for interviews and examinations carried out within an inspection, setting out the circumstances in which an interview or examination may be carried out, who may be interviewed, and restrictions on the examination of health records, which may only be carried out by a medically qualified person.

Regulation 8 places a duty upon authorised persons to produce authentication of authority to carry out inspections.

Regulation 9 concerns the disposal of personal records held by an authorised person in consequence of an inspection.

Regulation 10 concerns the power to share information obtained for the purpose of a joint inspection; this power is limited in its scope by the application of section 117(3) of the Act which limits the extent to which confidential information may be shared.

Regulation 11 creates criminal offences in respect of obstructing an authorised person or failing to comply with certain requirements in the Regulations.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies are available from www.legislation.gov.uk.