

2005 No. 426 (C.19)

CRIMINAL LAW

SOCIAL CARE

**The Regulation of Care (Scotland) Act 2001 (Commencement
No. 6) Order 2005**

Made - - - -

30th August 2005

The Scottish Ministers, in exercise of the powers conferred by sections 81(2) and (3) of the Regulation of Care (Scotland) Act 2001^(a), hereby make the following Order:

Citation

1. This Order may be cited as the Regulation of Care (Scotland) Act 2001 (Commencement No. 6) Order 2005.

Commencement of provisions

2. Section 52(1)(a) and section 52(2) of the Regulation of Care (Scotland) Act 2001 shall come into force on 1st September 2005.

ROBERT E BROWN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th August 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 52(1)(a) and (2) of the Regulation of Care (Scotland) Act 2001 (2001 asp 8) (“the Act”).

Section 52(1)(a) of the Act makes it an offence if any person, with intent to deceive, takes or uses the title of social worker, or purports in any other way to be a social worker, while not registered in any “relevant register” as a social worker. A person convicted of an offence under that section is liable to a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 52(2) defines what is meant by a “relevant register”. It is either (a) the register maintained by the Scottish Social Services Council under section 44(1) of the Act or (b) such register as may be prescribed by order made by the Scottish Ministers, being a register maintained under a provision of the law of England and Wales or of Northern Ireland which appears to the Scottish Ministers to correspond to that section.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

1. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 1) Order 2001 (S.S.I. 2001/304)–

<i>Provision</i>	<i>Date of Commencement</i>
Sections 5(1) and (2), 6, 24(1), 29, 30, 53 to 55, 63 to 65, 67, 71, 79 (partially), 80(3) and (4), and paragraphs 20 and 23(7) of Schedule 3	1st October 2001
Section 70	20th December 2001

2. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 2 and Transitional Provisions) Order 2002 (S.S.I. 2002/162)–

<i>Provision</i>	<i>Date of Commencement</i>
Section 2 subsections (1)(a) to (h), (l) and (m), (2) to (4), (5)(a) and (b), (6), (9), (17) to (26) and (28)	1st April 2002
Section 2(5)(c) (partially)	1st April 2002
Section 2(7) (partially)	1st April 2002
Section 2(10) (partially)	1st April 2002
Sections 3, 5(3), 7, 9 to 23, 24(2) and (3), 25 to 27, 31, 32, 33(1)(c) and (2) to (4), 34 to 42, 44 to 51 and 72	1st April 2002
Section 79 (partially)	1st April 2002
Section 80(1) (partially)	1st April 2002
Paragraphs 1 to 3, 4(1) and (3), 5, 6, 7(11)(b), 8 to 19, 21, 23(1) to (6) and 25 of Schedule 3	1st April 2002
Schedule 4 (partially)	1st April 2002

3. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 3 and Transitional Provisions) Order 2003 (S.S.I. 2003/205)–

<i>Provision</i>	<i>Date of Commencement</i>
Section 2(1)(n)	1st April 2003
Section 2(7) so far as not already in force on 1st April 2003(a)	1st April 2003
Section 2(8)	1st April 2003
Section 2(27)	1st April 2003
Section 8	1st April 2003

(a) Section 2(7) was brought partially into force on 1st April 2002 by S.S.I. 2002/162.

4. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 4) Order 2003 (S.S.I. 2003/596)–

<i>Provision</i>	<i>Date of Commencement</i>
Section 73(1)(a)	5th December 2003
Section 73(2)	5th December 2003
Section 73(3)	5th December 2003
Section 73(4)	5th December 2003
Section 73(1)(b)	1st April 2004

5. The following provisions of the Act have been brought into force by the Regulation of Care (Scotland) Act 2001 (Commencement No. 5 and Transitional Provisions) Order 2004 (S.S.I. 2004/100)–

<i>Provision</i>	<i>Date of Commencement</i>
Section 2 subsections (1)(i) and (j), (10) (so far as already in force on 1st April 2004)(a) and (11) to (15)	1st April 2004
Section 5(4)	1st April 2004
Section 33(1) (so far as not already in force on 1st April 2004)(b)	1st April 2004
Section 79 (partially)(c)	1st April 2004
Paragraphs 4(2), 7(1) to (10), (11), (so far as not already in force at 1st April 2004)(d) and 22(b) and (c) of Schedule 3	1st April 2004
Section 80(1) (partially)	1st April 2004
Schedule 4 (partially)(e)	1st April 2004

(a) Section 2(10) was brought partially into force on 1st April 2002 by S.S.I. 2002/162.

(b) Section 33(1)(c) was brought into force on 1st April 2002 by S.S.I. 2002/162.

(c) Section 79 was brought partially into force on 1st October 2001 by S.S.I. 2001/304.

(d) Paragraph 7(11)(b) of Schedule 3 was brought into force on 1st April 2002 by S.S.I. 2002/162.

(e) Schedule 4 was brought partially into force on 1st April 2002 by S.S.I. 2002/162.

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