

EXECUTIVE NOTE

THE REGULATION OF CARE (PRESCRIBED REGISTERS) (SCOTLAND) ORDER 2005 SSI/2005/432

The above order is made in exercise of powers conferred by section 52(2) (b) of the Regulation of Care (Scotland) Act 2001 (“the Act”). The regulation is subject to negative resolution procedure.

Policy Objectives

Under section 44(1) of the Act, the Scottish Social Services Council (the Council) is required to maintain a register of (i) social workers, (ii) such social service workers as have been prescribed by Scottish Ministers and (iii) persons participating in a course or employed in a position probationary to becoming either a social worker or social service worker of a qualified description.

The Regulation of Care (Scotland) Act 2001 (Commencement No. 6) Order 2005 (S.S.I./2005) brought section 52(1) (a) and (2) of the Act into force on 1st September 2005. Section 52(1) (a) provides that any person who, with intent to deceive, while not registered in any relevant register as a social worker, takes or uses the title of social worker, or purports in any other way to be a social worker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 52(2) (b) provides that for the purposes of section 52(1) of the Act, a register is a relevant register if it is such register as may be prescribed by the Scottish Ministers, being such 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 section 44(1) of the Act.

This Order prescribes the following registers as relevant registers for the purposes of section 52(1) of the Act:

- (a) the register maintained by the General Social Care Council under section 56(1) of the Care Standards Act 2000;
- (b) the register maintained by the Care Council for Wales or Cyngor Gofal Cymru under section 56(1) of the Care Standards Act 2000; and
- (c) the register maintained by the Northern Ireland Social Care Council under section 3(1) of the Health and Personal Social Services Act (Northern Ireland) 2001.

Consultation

Section 44(4) of the Act requires the Scottish Ministers to consult the Council and other persons whom they consider appropriate before making such an order. The Scottish Ministers consulted the Council and relevant other UK Government departments in relation to this order.

Financial Effects

The financial impact of this order is not expected to be significant and no significant increases in administrative costs to the Council are anticipated. It was therefore not considered necessary to carry out a regulatory impact assessment.

**Scottish Executive
September 2005**