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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 190**

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

TERMINATION, WITHDRAWAL AND SUSPENSION

**Termination**

6.—(1) An accreditation awarded under article 5 will terminate—

- (a) when the period of accreditation has expired;
- (b) when the Authority receives written notification that the applicant wishes to surrender the accreditation;
- (c) when the accreditation committee withdraws the accreditation under article 7; or
- (d) when an accredited person dies.

(2) Where paragraph (1)(b) or (c) applies, the notification or withdrawal may be in respect of any or all of the purposes specified in terms of article 5(5)(b).

(3) Except where the accreditation committee decides otherwise, the termination of an accreditation shall not affect the validity of any work carried out by an accredited person in consequence of that accreditation nor of any work conducted in an accredited manner.

**Withdrawal**

7.—(1) Where—

- (a) an applicant is no longer a member of, or registered with, a professional regulatory body (other than by suspension or other temporary measure) in breach of a condition imposed in terms of article 5(5)(c), or
- (b) a condition to similar effect has been so breached,

the accreditation committee shall withdraw the applicant's accreditation.

(2) In any other case, the accreditation committee may decide to withdraw an accreditation and may do so in respect of any, or all, of the purposes for which it was awarded.

(3) The Authority shall notify the applicant in writing of the accreditation committee's intention to consider taking a decision under paragraph (2) and of the reasons for it, and, where practicable, the notification shall also be accompanied by a copy of any relevant material which the committee intends to take into account in reaching its decision.

(4) The applicant may submit written representations, which shall be sent to the Authority within 6 weeks of the date of notification under paragraph (3).

(5) An applicant who wishes to make oral representations, either personally or through a representative, shall send written notice of this to the Authority within 3 weeks of the date of the notification under paragraph (3), specifying, where appropriate, the name, address and occupation of any representative.

(6) The accreditation committee may request the applicant to attend an oral hearing, in which case it shall do so when sending the notification under paragraph (3); and if the applicant wishes to

be represented at that hearing then he, she or, as the case may be, it shall send the Authority written notification of the name, address and occupation of the representative within the time limit specified in the preceding paragraph.

(7) Where notification is given in accordance with paragraph (5) or (6), the accreditation committee shall hold an oral hearing.

(8) Following consideration of all representations made by or on behalf of the applicant and of all other relevant material the accreditation committee shall, within 3 months of the date of the notification under paragraph (3), decide whether to withdraw the accreditation, in whole or in part.

(9) In addition to deciding to withdraw an accreditation the accreditation committee may, at the same time, decide to disqualify the applicant from making a further application for accreditation under article 3(1)(b) for a period of up to 5 years.

(10) The Authority shall send the applicant written notification of a decision taken under paragraph (1) or (8) within 2 weeks of it being taken.

### **Suspension**

8.—(1) Where—

- (a) an applicant's membership of, or registration with, a professional regulatory body is suspended or otherwise temporarily removed, resulting in a breach of a condition imposed in terms of article 5(5)(c), or
- (b) a condition to similar effect has been so breached,

the accreditation committee shall suspend the applicant's accreditation for so long as such condition is not fulfilled.

(2) If the accreditation committee considers that an accreditation should not be valid pending a decision under article 7(8) it may at any time suspend that accreditation, in whole or in part.

(3) Any suspension under paragraph (2) shall remain in force until the accreditation committee sends the applicant written notification in accordance with article 7(10) or until such earlier time as the committee shall determine.

(4) Where the accreditation committee suspends an applicant's accreditation it shall send the applicant written notification of this decision within 2 weeks of it being taken.

(5) Except where the accreditation committee decides otherwise, the suspension of an accreditation shall not affect the validity of any work carried out by an accredited person in consequence of that accreditation nor of any work conducted in an accredited manner prior to such suspension.