
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 90

SOCIAL CARE

**The Regulation of Care (Requirements as to Limited
Registration Services) (Scotland) Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>5th March 2009</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 29(1) and (2)(a) and (b) of the Regulation of Care (Scotland) Act 2001⁽¹⁾ and all other powers enabling them to do so.

They have consulted, such persons and groups of persons as they consider appropriate, in accordance with section 29(12) of that Act.

Citation and commencement

1. These Regulations may be cited as the Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Amendment Regulations 2009 and come into force on 1st April 2009.

Amendment of the Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003

2. The Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003⁽²⁾ are amended in accordance with regulation 3.

3. In regulation 5 (fitness of managers) for sub-paragraph (2)(b) substitute—

“(b) a person who has been convicted whether in the United Kingdom or elsewhere of any offence which is punishable by a period of imprisonment of not less than 3 months and has been sentenced to imprisonment (whether or not suspended or deferred) for a period without the option of a fine and who is, in the reasonable opinion of the provider of the limited registration service, having regard to the circumstances of the conviction, unfit to be a manager in relation to such a service.”;

(1) 2001 asp 8; see section 77(1) for a definition of regulations.
(2) S.S.I. 2003/150 as amended by S.S.I. 2009/32.

4. In regulation 7 (fitness of employees)–

(a) at the end of sub-paragraph (2)(b) omit “and”; and

(b) after sub-paragraph (2)(c) insert–

“(d) any person to whom regulation 4(2)(a) applies; and

(e) a person who has been convicted whether in the United Kingdom or elsewhere of any offence which is punishable by a period of imprisonment of not less than 3 months and has been sentenced to imprisonment (whether or not suspended or deferred) for a period without the option of a fine and who is, in the reasonable opinion of the provider of the limited registration service, having regard to the circumstances of the conviction, unfit to be employed in such a service.”.

St Andrew’s House,
Edinburgh
5th March 2009

NICOLA STURGEON
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003 by giving providers of a limited registration service an element of discretion in considering persons fit to manage or be employed in a limited registration service and therefore brings such providers into line with providers of other types of care service and the discretion afforded to providers in considering persons fit to manage or be employed in care services.