
STATUTORY INSTRUMENTS

1988 No. 1673 (S.161)

**RESIDENTIAL AND OTHER
ESTABLISHMENTS, SCOTLAND**

**The Registration of Establishments
(Application Form) (Scotland) Order 1988**

Made - - - - *26th September 1988*

Coming into force - - *17th October 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 62(2), 90(3) and 94(1) of the Social Work (Scotland) Act 1968(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Registration of Establishments (Application Form) (Scotland) Order 1988 and shall come into force on 17th October 1988.

Form of application for registration

2. An application under section 62 of the Social Work (Scotland) Act 1968 for registration of any person carrying on or intending to carry on a residential or other establishment shall be in, or as nearly as may be in, the form set out in the Schedule to this Order and shall contain such information as is requested therein.

Additional information to be provided for residential establishments for children

3. Where a residential establishment provides, or is to provide, accommodation for children, the statement of functions and objectives which is required by paragraph 5(1) of the Schedule to this Order shall include the same particulars as are required by regulation 5(1) of the Social Work (Residential Establishments-Child Care) (Scotland) Regulations 1987(2).

(1) 1968 c. 49; section 94(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which this Order is made; that definition was inserted by the Children and Young Persons Act 1969 (c. 54), Schedule 5, paragraph 64(1).
(2) S.I.1987/2233

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Revocation

4. The Registration of Establishments (Scotland) Order 1969(3) is hereby revoked.

St Andrew's House,
Edinburgh
26th September 1988

Michael B Forsyth
Parliamentary Under Secretary of State, Scottish
Office

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SCHEDULE

Articles 2 and 3

APPLICATION FOR REGISTRATION OF A PERSON CARRYING ON OR INTENDING TO CARRY ON AN ESTABLISHMENT TO WHICH SECTION 61/61A* OF THE SOCIAL WORK (SCOTLAND) ACT 1968(4)APPLIES (SEE NOTES BELOW)

<p><i>The Applicant</i></p> <p>1.—(1) Please state full name, age, current and, where there has been a change within the last 5 years, the previous postal address and the telephone number of applicant. (If application is made by an organisation, the address to be given is that of the registered or principal office. In addition the full names and addresses of the chairman and secretary must be given.)</p> <p>(2) Provide details of professional or technical qualifications and experience of running a social work or similar establishment.</p> <p>(3) If any application for registration has been refused, or a registration cancelled, by, in Scotland, a local authority social work department or health board or, in England and Wales, a local authority social services department or health authority, provide details of the authority, the establishment concerned and the approximate dates.</p> <p>(4) Provide the address of any other residential or other establishment supplying accommodation for the purposes of the 1968 Act or of any nursing home to which section 1 of the Nursing Homes Registration (Scotland) Act 1938(b) applies in which the applicant has, or had, a business interest and the nature and extent of that interest.</p>				
<p><i>The Establishment</i></p> <p>2.—(1) Please state the name, postal address and telephone number of premises in respect of which application is made.</p> <p>(2) Provide information on the situation of the premises and form of construction.</p> <p>(3) Provide a statement of the distribution of accommodation between that available for persons resident in or attending at the establishment, and for staff employed at the establishment.</p>				
<p>3. Please state (1) purposes of establishment and category or categories of persons to be received, and (2) other premises used or intended to be used in connection with the establishment.</p>				
<p>4. Numbers of places in respect of which application is made.</p> <p>(1) Maximum number</p> <p>(2) Age range.</p>	Residents		By day only	
	M	F	M	F
<p>5.—(1) Provide a statement of the functions and objectives of the establishment, of the care and attention to be provided in the establishment and of arrangements for the supervision of residents or persons attending.</p> <p>(2) Provide a general description of services, equipment and facilities to be offered in the establishment and of any special arrangements made or other services available for any particular category of residents or persons attending.</p>				
<p><i>The Staff</i></p> <p>6.—(1) Please state the full name, age, current and, where there has been a change within the last 5 years, the previous postal address of the manager, or intended manager, together with details of his qualifications, experience and whether he is to be resident or non-resident.</p>				

(4) Section 61A was inserted by section 2 of the Registered Establishments (Scotland) Act 1987 (c. 40)

(a) Section 61A was inserted by section 2 of the Registered Establishments (Scotland) Act 1987 (c.40).
 (b) 1938 c.73; "nursing home" is defined in section 10(2) of that Act, inserted by the Health Services Act 1980 (c.53), Schedule 4, paragraph 14.

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<p>(2) Provide the names, ages, qualifications and experience of other persons to be engaged in the management of the establishment. Please indicate in each case the position to be held and whether resident or non-resident.</p>	
<p>7. State the number and types of other staff to be engaged in running the establishment. Please distinguish between resident and non-resident, between full and part-time (indicating the number of hours per week for which it is intended to employ part-time staff) and between those on duty during the day and on duty or on call overnight.</p>	
<p><i>Other Matters</i> 8. If a Firemaster's Report has been obtained in relation to the proposed use of the premises, please state the date of the report and whether action has been taken to implement the recommendations contained in it.</p>	
<p>9. Please state the date on which the establishment is to be open for the reception of persons for whom it is to be provided or, in the case of a change of use, the date on which the change is to take effect.</p>	
<p>10. Is the establishment carried on or to be carried on for financial reward?</p>	
<p><i>Other Uses of the Establishment</i> 11. Is the establishment intended to be used for purposes other than those of the 1968 Act? If so, please indicate these purposes.</p>	
<p>12.—(1) Does the establishment provide or is it intended to provide full-time education on the premises for 5 or more children of school age? If so, is it (a) a grant aided school or (b) registered or intended to be registered with the Scottish Education Department as an independent school? (2) Is the application for voluntary registration under section 61A of the 1968 Act?</p>	<p>(a) grant aided school? YES/NO (b) independent school? YES/NO</p>
<p>13. Does the establishment provide or is it intended to provide nursing care of the sort requiring registration under the Nursing Homes Registration (Scotland) Act 1938? If so, is it registered or intended to be registered with the health board in that respect? State the number of places allocated or to be allocated to residential and nursing care respectively and the physical division of the establishment between nursing care and residential care and areas of common usage.</p>	<p>Number of places: residential care Number of places: nursing care:</p>

I hereby make application for registration in respect of the above-mentioned premises which I am carrying on* as an establishment to which section 61 or 61A of the Social Work (Scotland) Act 1968 applies.

Signature of applicant

Designation

Full postal address

.....

Date

*Delete as appropriate

NOTES

Note 1: Establishments to which section 61 and 61A apply

An establishment which must be registered under section 61 of the Act is any residential or other establishment the whole or a substantial part of whose function is to provide persons with such personal care or support, whether or not combined with board, and whether for reward or not, as may be required for the purposes of the Act; but does not include any establishment controlled or managed by a Government department or a local authority or, subject to sections 61A (voluntary registration of grant-aided and independent schools) and 63B(a) (joint registration of nursing homes) required to be registered, or in respect of which a person is required to be registered, with a Government department or a local authority under any other enactment.

The establishments which can voluntarily be registered under section 61A of the Act are certain grant-aided and independent schools.

A grant aided school means a school in respect of which certain grants are made by the Secretary of State, but does not include a public (i.e. education authority) school. An independent school means a school at which full-time education is provided for five or more pupils of school age, not being a public school or a grant-aided school.

Note 2: Registration authority to which application is to be made

An application for registration in respect of an establishment is to be made to the regional council, within whose area the establishment is situated.

Note 3: Grounds for refusal of application

The registration authority to whom this application is made may, in terms of section 62(3) of the Act, refuse an application for registration if they are satisfied—

- (a) that the applicant or any person employed or proposed to be employed by him in the management of the establishment or any part thereof is not a fit person whether by reason of age or otherwise, to carry on or to be so employed at an establishment of such a description as the establishment named in the application; or
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the establishment or any premises used in connection therewith are not fit to be used for an establishment of such a description as aforesaid; or
- (c) that the way in which it is proposed to conduct the establishment is such as not to provide services or facilities reasonably required by persons resorting to such an establishment.

Note 4: Appeal against refusal of application

Section 64 of the Act lays down the machinery for appeals against refusal of an application for registration. The registration authority are obliged to give the applicant not less than 14 days notice of their intention to refuse an application for registration and to state the grounds on which they propose to do so. If the applicant wishes to show cause why his application should not be refused, the authority must give him an opportunity to do so either in person or by representative before the application is refused. A person whose application for registration is refused may, within 21 days of the date of the notice of refusal, appeal to a tribunal established under Schedule 5 of the Act.

Note 5: Planning permission, etc.

Registration under the Act does not obviate the need to obtain any necessary planning permission, or approval under the relevant Building Standards (Scotland) Regulations or provisions on environmental health. It is not a pre-requisite to applying for registration that such approval(s) have been obtained.

(a) Section 63B was inserted by section 5 of the Registered Establishments (Scotland) Act 1987 (c.40).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form in which an application for registration in respect of any establishment to which section 61 or 61A of the Social Work (Scotland) Act 1968 applies is to be made and the information which is to be provided to the registration authority by the applicant.