
STATUTORY INSTRUMENTS

2007 No. 3101

The European Qualifications (Health and Social Care Professions) Regulations 2007

PART 20

SOCIAL WORKERS: REGULATION OF CARE (SCOTLAND) ACT 2001

Amendment of the Regulation of Care (Scotland) Act 2001

256. The Regulation of Care (Scotland) Act 2001 ^{M1} shall be amended in accordance with this Part.

Marginal Citations

M1 2001 asp 8.

Amendment of section 44

257. In section 44 (register of social workers and of other social service workers)—

(a) in subsection (1), after paragraph (a) insert—

“(aa) visiting social workers from relevant European states;”; and

(b) for subsection (2) substitute—

“(2) There shall be a separate part of the register for—

(a) social workers;

(b) visiting social workers from relevant European States;

(c) each description of social service workers prescribed by virtue of paragraph (b) of subsection (1) above; and

(d) such persons as are mentioned in paragraph (c) of that subsection.

(2A) The part of the register for visiting social workers from relevant European States is referred to in this Part of this Act as “the visiting European part” of the register.”.

Amendment of section 45

258. In section 45 (applications for registration under Part 3)—

(a) in subsection (1), after “Part” insert “, other than for registration in the visiting European part of the register, ”; and

(b) after that subsection insert—

“(1A) An application is not required for registration in the visiting European part of the register.”.

Amendment of section 46

259. In section 46 (grant or refusal of registration under Part 3)—

- (a) in subsection (1), after “application” insert “ under section 45(1) of this Act ”;
- (b) in subsection (2)(c), for “subsection (4) below” substitute “ section 46B of this Act ”; and
- (c) omit subsections (4) to (7).

Insertion of sections 46A and 46B

260. After section 46 insert—

“46A Visiting social workers from relevant European States

(1) This section applies to an exempt person (“V”) who is lawfully established as a social worker in a relevant European State other than the United Kingdom.

(2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary or occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as a social worker).

(3) V is entitled to be registered in the visiting European part of the register; and the Council shall give effect to the entitlement.

(4) If V is entitled under subsection (3) to be registered in the visiting European part of the register but is not registered in that part, V shall be treated as being registered in that part.

(5) V's entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis.

(6) If—

- (a) V's entitlement under subsection (3) ceases by reason of the operation of subsection (5); and
- (b) V is registered in the visiting European part of the register,

the Council may remove V from that part.

(7) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the visiting European part of the register maintained by the Council, of rules under section 49.

46B Qualifications gained outside Scotland

46B. This section applies where—

- (a) in the case of an applicant for registration as a social worker, the applicant is an exempt person who by virtue of Part 3 of the General Systems Regulations is permitted to pursue the profession of social worker in the United Kingdom (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the applicant may be required to undertake pursuant to that Part of those regulations); or
- (b) the applicant has, outwith Scotland, undergone training which—

- (i) is recognised by the Council as being to a standard sufficient for the applicant to be registered in the part of the register specified in the application; or
- (ii) is not so recognised provided that the applicant has also undergone, in Scotland or elsewhere, such additional training as the Council may by rules require.”.

Amendment of section 47

261. In section 47(1) (variation etc. of conditions in relation to registration under Part 3), after “Part” insert “, other than in the visiting European part of the register, ”.

Amendment of section 50

262. In section 50(1) (notice of Council's decision), after “application” insert “ under section 45(1) of this Act ”.

Amendment of section 51

263. In section 51 ^{M2} (appeal against decision of Council) for subsection (1) substitute—

“(1) A person who—

- (a) has been given notice under subsection (2) of section 50 of this Act of a decision mentioned in that subsection; or
- (b) has been given notice of a decision of the Council under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with the person's becoming permitted, by virtue of that Part of those Regulations, to have access to, and to pursue, the profession of social worker in the United Kingdom,

may, within fourteen days after that notice is given, appeal to the sheriff against the decision.”.

Marginal Citations

M2 Section 51 was amended by section 30(5) of the Smoking, Health and Social Care (Scotland) Act 2005, asp 13.

Amendment of section 57

264. In section 57 (power of Council to make rules), after subsection (2) insert—

“(2A) Rules made by the Council under subsection (2) may not make provision for the payment of fees in connection with registration in the visiting European part of the register.”.

Amendment of section 77

265. In section 77(1) (interpretation)—

- (a) at the appropriate places, insert the following definitions—

““exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom;

- (b) a national of the United Kingdom who is seeking to engage in relevant social work by virtue of an enforceable community right; or
- (c) a person who is not a national of a relevant European State, but who is by virtue of an enforceable community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;

and in paragraphs (a) to (c), “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who, by virtue of Article 2 of Protocol No.3 (Channel Islands and the Isle of Man) to the Treaty of Accession, is not to benefit from Community provisions relating to the free movement of persons and services;”;

““relevant European State” means an EEA State or Switzerland;”;

““the General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781);”;

““visiting social worker from a relevant European state” means a person entitled under section 46A of this Act to be registered in the part of the register maintained under section 44(1) of this Act for visiting social workers from relevant European States;”;

- (b) in the definition of “social service worker”—

- (i) in paragraph (a), for “subsection (4) of that section” substitute “ section 46B of this Act ”,

- (ii) after that paragraph insert—

- “(aa) is a visiting social worker from a relevant European State; or”;

- (iii) in paragraph (b), after “(a)” insert “ or (aa) ”.

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2007, PART 20.