



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 3

THE COUNCIL

Registration

44 Register of social workers and of other social service workers

(1) The Council shall maintain a register of—

(a) social workers;

^{F1}(aa)

^{F2}(ab) temporary social workers;]

(b) social service workers of any other description prescribed; and

(c) persons—

(i) participating in a course, approved by it under section 54(1) of this Act, for those wishing to become; or

(ii) employed in positions probationary to their becoming, social workers or social service workers of such other description.

^{F3}(2) There shall be a separate part of the register for—

(a) social workers;

^{F4}(ba) temporary social workers;]

^{F5}(b)

(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.

^{F6}(2A)

^{F7}(2B) In this Part, “temporary social worker” means a person who satisfies the requirements for temporary registration under section 46D.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (2C) Any rules made by the Council under this Part apply in relation to a person registered as a temporary social worker, and applications for registration as a temporary social worker, unless otherwise stated or provided for in this Part.]
- (3) It may be prescribed that as from a specified date a specified part of the register shall be closed, so that on and after that date no further persons shall be registered in that part.
- (4) The Scottish Ministers shall consult the Council and such other persons, or groups of persons, as they consider appropriate before making, varying or revoking an order by virtue of this section.

Textual Amendments

- F1** S. 44(1)(aa) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 3(a)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 44(1)(ab) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 87(1), **Sch. 6 para. 1(2)(a)** (with ss. 88-90) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 89 (with s. 90))
- F3** S. 44(2)(2A) substituted for s. 44(2) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007](#) (S.I. 2007/3101), regs. 1(2), **257(b)**
- F4** S. 44(2)(ba) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 87(1), **Sch. 6 para. 1(2)(b)** (with ss. 88-90) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 89 (with s. 90))
- F5** S. 44(2)(b) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 3(b)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 44(2A) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 3(c)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 44(2B)(2C) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 87(1), **Sch. 6 para. 1(2)(c)** (with ss. 88-90) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020](#) (c. 7), s. 89 (with s. 90))

Commencement Information

- I1** S. 44 wholly in force at 1.4.2002, see s. 81(2)-(4) and [S.S.I. 2002/162](#), **art. 2(e)** (subject to arts. 3-13)

45 Applications for registration under Part 3

(1) An application for registration under this Part ^{F8}... shall be made to the Council in accordance with rules made by the Council.

^{F9}(1A)

- (2) An application under subsection (1) above shall specify—
 - (a) in relation to the register, each part of it in which registration is sought; and
 - (b) such other matters as may be required by the rules.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (3) Any person who, in an application under subsection (1) above, knowingly makes a statement which is false or misleading in a material respect shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Textual Amendments

- F8** Words in s. 45(1) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 4(a)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 45(1A) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 4(b)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** S. 45 wholly in force at 1.4.2002, see s. 81(2)-(4) and [S.S.I. 2002/162](#), **art. 2(e)** (subject to [arts. 3-13](#))

46 Grant or refusal of registration under Part 3

- (1) An application [^{F10}under section 45(1) of this Act] for registration under this Part may be granted either unconditionally or subject to such conditions as the Council thinks fit to impose.
- (2) If the Council is satisfied that the applicant—
- (a) is of good character;
 - (b) satisfies such requirements as to competence or conduct as the Council may by rules impose; and
 - (c) except where [^{F11}section 46B of this Act] applies, either—
 - (i) satisfies such requirements as to education as the Council may by rules impose and has successfully completed a course of training, approved by the Council, for persons wishing to become social workers or, as the case may be, for persons wishing to become social service workers of the description in relation to which registration is sought; or
 - (ii) in the case of an application for registration as a social service worker other than a social worker, satisfies such requirements as the Council may by rules impose in relation to social service workers of the description in relation to which registration is sought,
- it shall grant the application unconditionally^{F12}....

[^{F13}(2A) Where an application is granted unconditionally—

- (a) the Council shall give the applicant notice of its so granting the application; and
- (b) registration shall take effect immediately on such notice being given.

(2B) If the Council is not satisfied as mentioned in subsection (2), it shall—

- (a) grant the application subject to such conditions as it thinks fit; or
- (b) refuse the application.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (2C) The Council shall give the applicant notice of its decision under subsection (2B), which shall—
 - (a) give the Council's reasons for the decision; and
 - (b) explain the right of appeal conferred by section 51 of this Act.
- (2D) A decision to refuse the application takes effect immediately on notice to that effect being given.
- (2E) Notice of a decision to grant the application subject to conditions shall state—
 - (a) the conditions; and
 - (b) that, within fourteen days after service of the notice, the applicant may make written representations to the Council concerning any matter which the applicant wishes to dispute.
- (2F) Subject to subsections (2G) and (2H), a decision to grant the application subject to conditions takes effect at the end of the fourteen day period mentioned in subsection (2E).
- (2G) Where—
 - (a) the applicant makes such representations as are mentioned in subsection (2E);
 - (b) the Council, having considered the representations, confirms the decision mentioned in subsection (2F); and
 - (c) no appeal is brought under section 51 of this Act,
 the decision takes effect on the expiry of the fourteen day period mentioned in subsection (A1) of that section for bringing such an appeal.
- (2H) Where an appeal against a decision mentioned in subsection (2F) is brought under section 51 of this Act (whether or not such representations as are mentioned in subsection (2E) are also made), the decision takes effect only when the appeal is finally determined or abandoned.]

[^{F14}(2I) This section does not apply in relation to applications for registration as a temporary social worker (see section 46D).]

- ^{F15}(3)
- ^{F16}(4)
- ^{F16}(5)
- ^{F16}(6)
- ^{F16}(7)

Textual Amendments

- F10** Words in s. 46(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **259(a)**
- F11** Words in s. 46(2)(c) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **259(b)**
- F12** Words in s. 46(2) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **sch. 15 para. 2(a)**; S.S.I. 2010/221, art. 3(2), sch.
- F13** S. 46(2A)-(2H) inserted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **sch. 15 para. 2(b)**; S.S.I. 2010/221, art. 3(2), sch.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- F14** S. 46(21) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 6 para. 1(3)** (with ss. 88-90) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- F15** S. 46(3) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **sch. 15 para. 2(c)**; S.S.I. 2010/221, art. 3(2), sch.
- F16** S. 46(4)-(7) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **259(c)**

Commencement Information

- I3** S. 46 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, **art. 2(e)** (subject to arts. 3-13)

^{F17}46A. Visiting social workers from relevant European States

.....

Textual Amendments

- F17** S. 46A omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 5** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

[^{F18}46B. Qualifications gained outside Scotland

This section applies where—

- ^{F19}(a)
- (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.]

Textual Amendments

- F18** Ss. 46A, 46B inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **260**
- F19** S. 46B(a) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 9 para. 6** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

^{X1}[^{F20}46C Direction to Council to consider applications for temporary registration

- (1) The Scottish Ministers may direct the Council to consider applications for registration as a temporary social worker in accordance with section 46D.
- (2) Before giving a direction under subsection (1), the Scottish Ministers—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (a) must have regard to advice relating to coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this section by the Scottish Ministers; and
 - (b) must be satisfied that the direction is a necessary and proportionate action for or in connection with the continued provision of social work services (within the meaning given by section 48 of the Public Services Reform (Scotland) Act 2010).
- (3) The Scottish Ministers must publish a direction under subsection (1).
- (4) A direction under subsection (1) has effect—
- (a) for the period specified in the direction; or
 - (b) until revoked by a further direction stating that the Council is no longer to consider applications for registration as a temporary social worker.]

Editorial Information

X1 The power conferred under this provision to make a direction may be exercised by means of a notice published in [The Gazette](#)

Textual Amendments

F20 Ss. 46C-46G inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 6 para. 1\(4\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90))

[^{F20}46D Grant or refusal of temporary registration

- (1) This section only applies where the Scottish Ministers have given the Council a direction under section 46C(1).
- (2) The Council may grant an application for registration as a temporary social worker unconditionally if subsection (4) or (6) applies.
- (3) Where the Council is not satisfied as mentioned in subsection (4) or (6) it may—
 - (a) grant the application subject to such conditions as it thinks fit; or
 - (b) refuse the application.
- (4) This subsection applies where the Council is satisfied that the applicant—
 - (a) had previously been registered as a social worker in a relevant register during the period of 5 years before the date on which section 7 of the Coronavirus Act 2020 came into force;
 - (b) is of good character;
 - (c) satisfies such requirements as to competence or conduct as the Council may by rules impose; and
 - (d) either—
 - (i) satisfies such requirements as to education as the Council may by rules impose and has successfully completed a course of training, approved by the Council, for persons wishing to become social workers; or
 - (ii) satisfies such other requirements relating to education as the Council considers appropriate.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (5) For the purpose of subsection (4)(a), “relevant register” means—
- (a) the register maintained by the Council under this Part;
 - (b) the register maintained by Social Work England under Part 2 of the Children and Social Work Act 2017 (and any corresponding register established under the law of England and Wales before that Act came into force);
 - (c) the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (and any corresponding register established under the law of England and Wales before that Act came into force);
 - (d) the register maintained by the Northern Ireland Social Care Council under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 1 (N.I.)).
- (6) This subsection applies where the Council is satisfied that the applicant—
- (a) is participating in the final year of a relevant course of training in Scotland or in another part of the United Kingdom;
 - (b) despite not having completed the course, is suitably experienced to be registered as a temporary social worker;
 - (c) is of good character; and
 - (d) satisfies such requirements as to competence or conduct as the Council may by rules impose.
- (7) For the purpose of subsection (6)(a), “relevant course of training” means—
- (a) a course for those wishing to become a social worker which is approved by the Council in rules made under section 54(1) of this Act,
 - (b) such other course for those wishing to become a social worker as the Council considers appropriate.]

Textual Amendments

F20 Ss. 46C–46G inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\)](#), [Sch. 6 para. 1\(4\)](#) (with [ss. 88–90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with [s. 90](#)))

[^{F20}46E Notice and effect of decisions on temporary registration

- (1) Where the Council grants an application for registration as a temporary social worker unconditionally under section 46D(2)—
 - (a) the Council must give the applicant notice of that decision; and
 - (b) registration takes effect immediately on the notice being given.
- (2) Where, under section 46D(3), the Council refuses such an application or grants it subject to conditions—
 - (a) the Council must give the applicant notice of that decision; and
 - (b) the notice must state the Council's reasons for the decision.
- (3) A decision to refuse the application or grant it subject to conditions takes effect immediately on notice to that effect being given.
- (4) An applicant may not appeal any decision made by the Council under section 46D.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

Textual Amendments

F20 Ss. 46C-46G inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 6 para. 1\(4\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90))

[^{F20} 46F Registration period for temporary registration

- (1) A person's registration as a temporary social worker has effect until the date on which the Scottish Ministers give a direction in accordance with section 46C(4)(b).
- (2) After the date mentioned in subsection (1), the Council must remove the entry relating to the person in the part of the register for temporary social workers.
- (3) The Council may not by rules extend the period for which, by virtue of subsection (1), a person's registration as a temporary social worker has effect.]

Textual Amendments

F20 Ss. 46C-46G inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 6 para. 1\(4\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90))

[^{F20} 46G Subsequent applications for registration as social worker

- (1) Where a person described in section 46D(4)(a)—
 - (a) is granted registration as a temporary social worker under that section; and
 - (b) remains registered as a temporary social worker;
 the person may subsequently apply for registration as a social worker in accordance with this Part.
- (2) Where a person described in section 46D(6)(a)—
 - (a) is granted registration as a temporary social worker under that section;
 - (b) remains registered as a temporary social worker; and
 - (c) completes their course of training;
 the person may subsequently apply for registration as a social worker in accordance with this Part.
- (3) Where subsection (1) or (2) applies and the person's application for registration as a social worker is granted—
 - (a) the person's registration as a temporary social worker ceases to have effect from the date on which their registration as a social worker has effect under section 46; and
 - (b) the Council must remove the entry relating to the person in the part of the register for temporary social workers.
- (4) Where a person's registration as a temporary social worker otherwise ceases to have effect, the person may subsequently apply for registration as a social worker in accordance with this Part.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

Textual Amendments

- F20** Ss. 46C-46G inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 6 para. 1\(4\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

47 Variation etc. of conditions in relation to registration under Part 3

- (1) The Council may at any time give notice to a person registered under this Part ^{F21}... [^{F22}of its decision] to—
- (a) vary or remove a condition for the time being in force; or
 - (b) impose an additional condition,
- in relation to the registration.
- (2) A notice under subsection (1) above shall
- [^{F23}(a)] give the Council's reasons for the [^{F24}decision;]
 - (b) [^{F25}explain the right of appeal conferred by section 51 of this Act; and
 - (c) state the condition as varied, the condition which is removed or (as the case may be) the additional condition imposed.]

- [^{F26}(3) Subsection (2)(b) does not apply in relation to a person registered as a temporary social worker.]

Textual Amendments

- F21** Words in s. 47(1) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 9 para. 7](#) (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in s. 47(1) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 3\(a\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F23** Words in s. 47(2) renumbered as s. 47(2)(a) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 3\(b\)\(i\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F24** Word in s. 47(2) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 3\(b\)\(ii\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F25** S. 47(2)(b)(c) added (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 3\(b\)\(iii\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F26** S. 47(3) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 6 para. 1\(5\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

Commencement Information

- I4** S. 47 wholly in force at 1.4.2002, see s. 81(2)-(4) and [S.S.I. 2002/162](#), [art. 2\(e\)](#) (subject to arts. 3-13)

48 Right to make representations to Council as respects [^{F27}decision under section 47]

- (1) A notice under section ^{F28}... 47 of this Act shall state that, within fourteen days after service of the notice, the person to whom it is given may make written representations to the Council concerning any matter which that person wishes to dispute.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

[^{F29}(2) Subject to subsections (3) and (4), a decision under section 47 of this Act takes effect at the end of the fourteen day period mentioned in subsection (1).

[^{F30}(2A) But subsections (3) and (4) do not apply in relation to a person registered as a temporary social worker.]

(3) Where—

- (a) the person to whom notice under section 47 was given makes such representations as are mentioned in subsection (1);
- (b) the Council, having considered the representations, confirms the decision mentioned in that section; and
- (c) no appeal is brought under section 51 of this Act,

the decision takes effect on the expiry of the fourteen day period mentioned in subsection (A4) of that section for bringing such an appeal.

(4) Where an appeal against a decision under section 47 is brought under section 51 (whether or not such representations as are mentioned in subsection (1) are also made), the decision takes effect only when the appeal is finally determined or abandoned.]

Textual Amendments

F27 Words in s. 48 heading substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 5](#); S.S.I. 2010/221, art. 3(2), sch.

F28 Words in s. 48(1) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 4\(a\)](#); S.S.I. 2010/221, art. 3(2), sch.

F29 S. 48(2)-(4) substituted for s. 48(2) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 4\(b\)](#); S.S.I. 2010/221, art. 3(2), sch.

F30 S. 48(2A) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 6 para. 1\(6\)](#) (with [ss. 88-90](#)) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))

Commencement Information

I5 S. 48 wholly in force at 1.4.2002, see s. 81(2)-(4) and [S.S.I. 2002/162](#), [art. 2\(e\)](#) (subject to [arts. 3-13](#))

49 Removal etc. from the Council's register

(1) The Council shall, by rules made with the consent of the Scottish Ministers, determine circumstances in which, and the means by which—

- (a) an entry relating to a person in the register maintained by the Council may be removed from a part in which it appears;
- (b) an entry removed by virtue of paragraph (a) above may be restored to the part in question;
- (c) a person's registration in a part of that register may be suspended (and that person treated as not being registered in that part notwithstanding that the relevant entry still appears in it) for such period as the Council may specify in the case in question;
- (d) a suspension by virtue of paragraph (c) above may be terminated; and
- (e) an entry in a part of that register may be altered (other than in implementation of a [^{F31}decision] of which notice is given under section 47(1) of this Act).

(2) Rules under subsection (1) above shall—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

- (a) make provision as to—
 - (i) the procedure to be followed;
 - (ii) the standard of proof; and
 - (iii) the rules of evidence to be observed,in proceedings brought (whether before the Council or before any committee of the Council) for the purposes of the rules; and
 - (b) provide for such proceedings to be in public except in such cases (if any) as the rules may specify.
- (3) The Council shall maintain a register of persons who have been registered in the register maintained under section 44(1) of this Act but who, by virtue of paragraph (a) of subsection (1) above, are for the time being not so registered; and where an entry relating to a person is, by virtue of paragraph (b) of that subsection, restored, the entry relating to that person in the register maintained under this subsection shall be removed.

Textual Amendments

F31 Word in s. 49(1)(e) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 6](#); [S.S.I. 2010/221](#), art. 3(2), sch.

Commencement Information

I6 S. 49 wholly in force at 1.4.2002, see s. 81(2)-(4) and [S.S.I. 2002/162](#), art. 2(e) (subject to [arts. 3-13](#))

50 Notice of Council's decision [^{F32}under rules under section 49]

^{F33}(1)

(2) If the Council decides—

^{F34}(a)

(b) in accordance with rules made under subsection (1) of section 49 of this Act, to do any of the things mentioned in paragraphs (a) to (e) of that subsection, it shall give the person affected notice of the decision.

[^{F35}(3) Subsection (3)(a) does not apply in relation to a person registered as a temporary social worker.]

(3) A notice under subsection (2) above shall—

(a) explain the right of appeal conferred by section 51 of this Act;

^{F36}(b)

(4) [^{F37}Subject to subsection (5),] a decision such as is mentioned in subsection (2) above^{F38} ... shall not take effect—

(a) if no appeal is brought, until the period of fourteen days [^{F39}after the giving of a notice under subsection (2)] has elapsed; and

(b) if an appeal is brought, until that appeal is finally determined or is abandoned.

[^{F40}(5) A decision in accordance with rules under section 49(1) of this Act to suspend a person's registration in a part of the register maintained under section 44(1) of this Act takes effect immediately on notice of that decision being given.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Registration. (See end of Document for details)

Textual Amendments

- F32** Words in s. 50 heading added (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 8](#); S.S.I. 2010/221, art. 3(2), sch.
- F33** S. 50(1) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(a\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F34** S. 50(2)(a) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(b\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F35** S. 50(3)(b) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 6 para. 1\(7\)](#) (with ss. 88-90) (which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90))
- F36** S. 50(3)(b) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(c\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F37** Words in s. 50(4) inserted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(d\)\(i\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F38** Words in s. 50(4) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(d\)\(ii\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F39** Words in s. 50(4)(a) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(d\)\(iii\)](#); S.S.I. 2010/221, art. 3(2), sch.
- F40** S. 50(5) added (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 7\(e\)](#); S.S.I. 2010/221, art. 3(2), sch.

Commencement Information

- I7** S. 50 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, [art. 2\(e\)](#) (subject to [arts. 3-13](#))

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001,
Cross Heading: Registration.