



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 3

#### THE COUNCIL

##### *Regulations and rules*

#### **56 Regulations relating to the Council**

- (1) Regulations may—
- (a) confer additional functions on the Council in relation to—
    - (i) the regulation of persons employed in the provision of care services; or
    - (ii) the education or training of persons in respect of whom it maintains a register under section 44(1) of this Act; and
  - (b) require the Council to secure that, on such conditions, in such circumstances and on the payment of such fees as may be specified in the regulations, any person shall be afforded access to, and provided with a copy of an entry in or with an extract from, a register kept by the Council.
- (2) Before the Scottish Ministers make regulations under subsection (1) above, they shall consult such persons, or groups of persons, as they consider appropriate.

#### **57 Power of Council to make rules**

- (1) With the consent of the Scottish Ministers, the Council may by rules make provision about the registration of persons under this Part and, in particular—
- (a) as to the keeping of the register maintained by it;
  - (b) as to the documentary and other evidence to be produced by a person applying for—
    - (i) registration;
    - (ii) additional qualifications to be recorded; or
    - (iii) an entry in that register to be altered or restored; or
  - (c) subject to any rules made under section 49 of this Act, for a person's registration to remain effective without limitation of time or—

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*Status: This is the original version (as it was originally enacted).*

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- (i) to lapse after such period, or in such a case; or
  - (ii) to be subject to renewal in such manner and at such time,as the rules may provide.
- (2) With the consent of the Scottish Ministers and subject to any regulations made under section 56(1)(b) of this Act, the Council may by rules make provision for the payment of reasonable fees to it in connection with the discharge of its functions; and without prejudice to that generality the rules may in particular make provision—
  - (a) for the payment of such fees in connection with—
    - (i) registration under this Part (including applications for registration or for amendment of the register maintained by it);
    - (ii) the approval by it, under this Part, of courses of education or training;
    - (iii) the provision of education or training; and
    - (iv) the provision of copies of codes published by it or copies of entries in, or of extracts from, that register; and
  - (b) requiring persons registered under this Part to pay a periodic fee to it of such amount, and at such time, as the rules may specify.
- (3) With the consent of the Scottish Ministers, the Council may by rules require persons registered in any part of the register maintained by it to attend a course of education or undertake further training and may in particular make provision with respect to persons who fail to comply with any requirement of such rules, including provision for their registration to cease or be suspended.
- (4) Before making, or varying, any rules by virtue of subsection (3) above, the Council shall take such steps as are reasonably practicable to consult the persons who are registered in the relevant part of the register and such other persons as the Council considers appropriate.
- (5) With the consent of the Scottish Ministers, the Council may by rules make provision—
  - (a) about the content of, and methods of completing, courses approved by it under section 54(1) of this Act;
  - (b) as to the lapse, renewal and withdrawal of such approvals;
  - (c) as to the provision to the Council of information about such courses;
  - (d) as to the persons who may participate in such courses, or in such parts of those courses as are specified in the rules;
  - (e) as to the number of persons who may participate in such courses or parts of courses; and
  - (f) for the award by the Council of certificates of the successful completion of such courses.
- (6) With the consent of the Scottish Ministers, the Council may by rules make provision for the visiting of places at which or institutions by which or under whose direction—
  - (a) any relevant course (or part of such course) is, or is proposed to be, given; or
  - (b) any examination is, or is proposed to be, held in connection with any such course.
- (7) Without prejudice to the generality of subsection (6) above, rules under that subsection may make provision for—
  - (a) the appointment of visitors; and
  - (b) reports to be made by visitors on—

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- (i) the nature and quality of the instruction given, or to be given; and
  - (ii) the facilities provided, or to be provided,at the place, or by the institution, visited.
- (8) In subsection (6)(a) above, “relevant course” means—
  - (a) any course for which approval by the Council has been given, or is being sought, under section 54(1) of this Act; or
  - (b) any course of education or further training provided for persons registered in any part of the register maintained by the Council.
- (9) The power of the Council to make rules under this Part may be exercised—
  - (a) in relation to—
    - (i) all cases to which the power extends;
    - (ii) all except such cases as are specified in the rules; or
    - (iii) any specified cases or class of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the same provision for all;
    - (ii) different provision for different cases or classes of case; or
    - (iii) as respects the same case or class of case, different provision for different purposes.
- (10) Before making, or varying, any rules by virtue of any of subsections (1), (2), (5) and (6) above, the Council shall consult such persons, or groups of persons, as it considers appropriate.