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*Status: Point in time view as at 19/07/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, SCHEDULE 1. (See end of Document for details)*

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## SCHEDULE 1

*(introduced by section 1(3))*

### THE SCOTTISH COMMISSION FOR THE REGULATION OF CARE

#### *Status*

- 1 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

#### *Membership*

- 2 The Commission shall consist of a convener and other members appointed by the Scottish Ministers on such terms and conditions as appear to the Scottish Ministers to be appropriate.
- 3 In making appointments under paragraph 2 above, the Scottish Ministers shall have regard to the desirability of encouraging equal opportunities.
- 4 In making appointments under paragraph 2 above, the Scottish Ministers shall ensure that there is a requisite number of appointees who are persons who either—
  - (a) use, or have used, care services or services which prospectively are to become care services; or
  - (b) care for such persons as are mentioned in head (a) above.
- 5 In paragraph 4 above, “requisite number” means at least two unless one sixth of the total number of members is (disregarding any fraction) a number greater than two, in which case it means at least that number greater than two.

#### *General powers*

- 6 Subject to any directions given by the Scottish Ministers, the Commission may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions; and without prejudice to that generality the Commission may in particular—
  - (a) co-operate with other persons in matters relevant to the exercise of its functions;
  - (b) acquire and dispose of land and other property;
  - (c) enter into contracts; and
  - (d) with the consent of the Scottish Ministers, borrow sums in sterling by way of overdraft for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.

#### *Regulations as to appointments, procedure etc.*

- 7 The Scottish Ministers, after consulting such persons, or groups of persons, as they consider appropriate, may by regulations make provision as to—
  - (a) the appointment of the convener (including any conditions to be fulfilled for appointment);

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- (b) the appointment of the other members (including, subject to paragraph 4 above, the number, or limits on the number, of those who may be appointed and any conditions to be fulfilled for appointment);
- (c) the tenure of office of the convener and other members (including the circumstances in which they shall cease to hold office or may be removed or suspended from office);
- (d) the appointment of, constitution of and exercise of functions by committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of the Commission);
- (e) the procedure of the Commission and of any of its committees or sub-committees (including the validation of proceedings in the event of vacancies or of defects in appointment);
- (f) the payment by the Commission to its convener and members (and to the members of its committees and sub-committees who are not members of the Commission) of such remuneration and allowances—
  - (i) on such terms; and
  - (ii) subject to such conditions,
 as the Scottish Ministers think fit;
- (g) the payment by the Commission to, or in respect of, persons who have been its convener or members (or such members of committees and sub-committees as are mentioned in head (f) above) of such pensions, allowances and gratuities—
  - (i) on such terms; and
  - (ii) subject to such conditions,
 as the Scottish Ministers think fit;
- (h) the payment by the Commission of compensation to any person who, other than on the expiry of a term of office, ceases to be its convener or to be a member of it; and
- (i) the delegation by the Commission of any of its functions to any of its committees, sub-committees, members or employees.

### *Staff*

- 8 (1) Subject to sub-paragraph (2) below, the Commission may appoint as employees such persons (other than its convener or members) as it considers appropriate.
- (2) The Commission shall have, as a member of its staff, a chief officer who shall be responsible to the Commission for the general exercise of its functions; and the appointment of that officer shall be subject to the approval of the Scottish Ministers.
- (3) The remuneration and conditions of service of a chief officer appointed under this paragraph shall be such as the Commission, with the consent of the Scottish Ministers, may determine.
- (4) The Commission may—
- (a) pay, or make arrangements for the payment of;
  - (b) make payments towards the provision of; and
  - (c) provide and maintain schemes (whether contributory or not) for the payment of,
- pensions, allowances and gratuities to or in respect of such of its employees, or former employees, as it thinks fit.

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- (5) The reference in sub-paragraph (4) above to pensions, allowances and gratuities includes, subject to sub-paragraph (6) below, a reference to pensions, allowances and gratuities by way of compensation for loss of employment or reduction in remuneration.
- (6) Anything done by virtue of sub-paragraph (5) above requires the approval of the Scottish Ministers.

#### *Accounts*

- 9 (1) The Commission shall—
  - (a) keep accounts; and
  - (b) prepare annual accounts in respect of each financial year,in accordance with such directions as the Scottish Ministers may give it.
- (2) The Commission shall send a copy of the annual accounts to the Auditor General for Scotland for auditing.
- (3) The financial year of the Commission is—
  - (a) the period beginning with the date on which the Commission is established and ending with 31st March next following that date; and
  - (b) each successive period of twelve months ending with 31st March.
- (4) If requested by any person, the Commission shall make available at any reasonable time, without charge, in printed or in electronic form, its audited accounts, so that they may be inspected by that person.

#### *Reports*

- 10 (1) As soon as possible after the end of each financial year of the Commission, it shall make a report to the Scottish Ministers on the exercise of its functions during that year; and they shall lay before the Parliament a copy of that report.
- (2) The Commission shall provide the Scottish Ministers with such reports and information relating to the exercise of its functions as they may from time to time require.

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