



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 3

#### THE COUNCIL

##### *Registration*

#### **46 Grant or refusal of registration under Part 3**

- (1) An application 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 subsection (4) below 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 or give notice to the applicant that it proposes to grant the application subject to such conditions as it thinks fit; otherwise it shall give notice to the applicant that it proposes to refuse the application.
- (3) A notice under subsection (2) above shall give the Council's reasons for the proposal.
- (4) This subsection applies where the applicant—
  - (a) is a national of any EEA State who—

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*Status: This is the original version (as it was originally enacted).*

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- (i) has obtained, in an EEA State other than the United Kingdom, professional qualifications which are prescribed as having Community equivalence for the purposes of registration in the part of the register specified in the application; and
    - (ii) satisfies any other requirements which the Council may by rules impose; or
  - (b) 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 so specified; 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.
- (5) An order made by virtue of sub-paragraph (i) of subsection (4)(a) above may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes mentioned in that sub-paragraph only if prescribed conditions required by a directive issued by the Council of the European Communities are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.
- (6) A person who—
  - (a) is not a national of an EEA State; but
  - (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68 (on freedom of movement for workers within the Community) or any other enforceable Community right, entitled to be treated, as regards the right to engage in the work of social service workers of the description in relation to which registration is sought, no less favourably than a national of such a State,shall be treated, for the purposes of subsection (4)(a) above, as if such a national.
- (7) In this section—
  - “EEA State” means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as adjusted by the Protocol signed at Brussels on 17th March 1993); and
  - “national”, in relation to such a State, means the same as it does for the purposes of the Community Treaties.