



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 3

THE COUNCIL

Registration

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 ^{F1}decision] of which notice is given under section 47(1) of this Act).
- (2) Rules under subsection (1) above shall—
- (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)

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Section 49. (See end of Document for details)

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

- F1** 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

- II** 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](#))

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