



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 5

### SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

#### CHAPTER 3

##### CARE SERVICES

###### *Registration of care services*

#### **59 Registration of care services**

- (1) A person who seeks to provide a care service must apply to SCSWIS for registration of the service.
- (2) An application must—
  - (a) give such information as may be prescribed about prescribed matters,
  - (b) identify an individual (who may be the applicant) who is to manage the service,
  - (c) give any other information which SCSWIS may reasonably require the applicant to give,
  - (d) without prejudice to subsection (1)(b) of section 76, be accompanied by the fee imposed under subsection (2)(a) of that section.
- (3) A person who provides an adoption service or a fostering service must be a voluntary organisation.
- (4) Subsections (1) to (3) do not apply to a local authority—
  - (a) seeking to provide—
    - (i) an adoption service mentioned in paragraph 8(1)(a) of schedule 12, or
    - (ii) a fostering service mentioned in paragraph 9(a) or (c) of that schedule,or

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(b) seeking to provide a care service in respect of which it has made such determination as is mentioned in section 83(1)(c).

(5) Subsection (4)(b) is subject to section 83(3).

**Commencement Information**

- I1** S. 59 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)  
**I2** S. 59 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

**60 Grant or refusal of registration**

- (1) SCSWIS may grant or refuse registration of a care service under section 59.
- (2) A grant of registration may be subject to such conditions as SCSWIS thinks fit.
- (3) If SCSWIS is satisfied, in relation to an application, that the requirements of—
  - (a) such regulations as are applicable under section 78 to the care service, and
  - (b) any other enactment which appears to SCSWIS to be relevant,
 will be complied with in relation to that service, it must give notice under section 71(1), or as the case may be section 73(1); otherwise it must give notice under section 71(2).
- (4) On granting a registration, SCSWIS must issue a certificate of registration to the applicant.
- (5) The person for the time being providing the service must ensure that the certificate (or a copy of it) is, while the certificate is current, kept affixed in a conspicuous place in each of the premises in or from which that service is provided and, if different, the principal (or only) office of the service.

**Commencement Information**

- I3** S. 60 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)  
**I4** S. 60 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

**61 Limited registration**

- (1) For the purposes of Part 4 of the Adults with Incapacity (Scotland) Act 2000 (asp 4) (management of resident's finances), a person who provides, or seeks to provide, a service which provides accommodation but is not a care service may make an application to SCSWIS for registration of the service.
- (2) Subsection (2) of section 59 applies in relation to an application under subsection (1) as it applies in relation to an application under subsection (1) of that section.
- (3) Sections 60, 76 and 77 apply in relation to a service in respect of which an application is made under subsection (1) as they apply in relation to a care service.
- (4) Sections 53 to 58, 62 to 79 and 101 apply in relation to a service registered under section 60 by virtue of subsection (3) as they apply in relation to a registered care service.
- (5) A service so registered is, in this Part, referred to as a limited registration service.

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#### **Commencement Information**

- I5** S. 61 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), [art. 3](#), [Sch.](#)
- I6** S. 61 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)