
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Healthcare Improvement Scotland (Requirements as
to Independent Health Care Services) Regulations 2011**

Fitness of employees

8.—(1) A provider must not employ any person in the provision of an independent health care service unless that person is fit to be so employed.

(2) The following persons are unfit to be employed in the provision of an independent health care service:—

- (a) a person who does not have the qualifications, skills and experience necessary for the work that the person is to perform;
- (b) any person to whom regulations 5(2)(a) or 6(2)(d) apply;
- (c) any person who has been convicted, whether in the United Kingdom or elsewhere, of any offence which is punishable by a period of not less than 3 months and has been sentenced to imprisonment (whether or not suspended or deferred) for any period without the option of a fine and who in the reasonable opinion of the manager of an independent health care service is unsuitable to work in that service.