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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Social Care and Social Work Improvement Scotland  
(Requirements for Care Services) Regulations 2011**

**Fitness of managers**

7.—(1) A person must not act as a manager in relation to a care service unless the person is fit to do so.

(2) The following persons are unfit to act as a manager in relation to a care service:—

- (a) any person to whom regulation 6(2)(a) applies;
- (b) any person who has been convicted whether in the United Kingdom or elsewhere of any offence which is punishable by a period of imprisonment 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 provider of the care service having regard to the circumstances of the conviction is unsuitable to be a manager in relation to a care service;
- (c) a person who does not have the skills, knowledge and experience necessary for managing the care service; and
- (d) a person who, in order to perform the duties for which the person is employed in the care service, is required by any enactment to be registered with any person or body and is not so registered.