
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 3

Registration of social workers

Appointment of the registrar and keeping of the register

- 8.**—(1) The regulator may appoint a member of the regulator’s staff as registrar.
- (2) The registrar has the following functions—
- (a) the functions of the regulator set out in this Part other than—
 - (i) under regulation 19 (registration appeals),
 - (ii) any power or duty to make rules, and
 - (b) any other functions that the regulator delegates to the registrar⁽¹⁾.
- (3) In these Regulations “function”, in relation to the regulator, means a function of the regulator set out in Part 2 of the Act or in these Regulations.
- (4) The regulator must ensure that the register enables—
- (a) information to be recorded in accordance with this Part, and
 - (b) the regulator, the registrar, any advisers, and any other adjudicator, case examiner or investigator appointed under these Regulations, to access information held on it as necessary to enable them to carry out their functions under these Regulations.
- (5) The regulator must amend information recorded in the register, where the regulator is satisfied that the information is incorrect, or that there has been a material change of circumstances since it was recorded.
- (6) Any copy of, or extract from, the register relating to information recorded in accordance with this Part is evidence of the matters mentioned in it.
- (7) A certificate purporting to be signed by the regulator certifying that a person—
- (a) is, or is not, registered,
 - (b) was, or was not, registered at a specific date or during a specified period, or
 - (c) has never been registered,
- is evidence of the matters certified.
- (8) On application by a social worker who wishes to practise in a relevant European State other than the United Kingdom, the regulator must provide them with such documentary evidence as is required by the relevant provisions of [Directive 2005/36/EC](#) of the European Parliament and of

(1) Paragraph 13(1) of Schedule 3 to the Act provides that the regulator may delegate functions to a committee, sub-committee, member or member of staff; paragraph 13(2) provides that the functions that may be delegated include the power to delegate functions under sub-paragraph (1), but do not include any power or duty to make rules.

the Council of 7th September 2005⁽²⁾ on the recognition of professional qualifications, as those provisions are amended from time to time.

(9) The regulator must publish the information recorded in the register in such manner and at such times as it considers appropriate, and make that information available for public inspection at all reasonable times, but it is not required to publish information which is—

- (a) evidence of spent convictions,
- (b) a warning given under paragraph 6(2)(a) or 12(1)(a) of Schedule 2 (warnings regarding future conduct or performance given in fitness to practise proceedings), where a period of at least five years has elapsed since the warning was given,
- (c) any information annotated on the register under regulation 12(1) which, in the opinion of the regulator, it is not in the public interest to publish,

where “spent conviction” means a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974⁽³⁾.

(2) OJNo. L 255, 30.09.2005, p.22, as amended by Council [Directive 2006/100/EC](#) of 20 November 2006, OJ No. L 363, 20.12.2006, p.141; [Commission Regulation \(EC\) No 1430/2007](#) of 5 December 2007, OJ No. L 320, 6.12.2007, p.3; [Commission Regulation \(EC\) No 755/2008](#) of 31 July 2008, OJ No. L 205, 1.8.2008, p.10; Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008, OJ No. L 311, 21.11.2008, p.1; [Commission Regulation \(EC\) No 279/2009](#) of 6 April 2009, OJ No. L 93, 7.4.2009, p.11; [Commission Regulation \(EU\) No 213/2011](#) of 3 March 2011, OJ No. L 59, 4.3.2011, p.4; [Commission Regulation \(EU\) No 623/2012](#) of 11 July 2012, OJ No. L 180, 12.7.2012, p.9; Council [Directive 2013/25/EU](#) of 13 May 2013, OJ No. L 158, 10.6.2013, p.368; [Directive 2013/55/EU](#) of the European Parliament and of the Council of 20 November 2013, OJ No. L 354, 28.12.2013, p.132; Commission Delegated Decision (EU) 2016/790 of 13 January 2016, OJ No. L 134, 24.5.2016, p.135; Commission Delegated Decision (EU) 2017/2113 of 11 September 2017, OJ No. L 317, 1.12.2017, p.119.

(3) 1974 c. 53.