
STATUTORY INSTRUMENTS

1969 No. 1622 (S.139)

RESIDENTIAL ESTABLISHMENTS, SCOTLAND

The Registration of Establishments (Scotland) Order 1969

Made - - - - 13th November 1969

Coming into Operation 18th November 1969

In exercise of the powers conferred on me by section 62(2) of the Social Work (Scotland) Act 1968(a), I hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Registration of Establishments (Scotland) Order 1969 and shall come into operation on 18th November 1969.

Interpretation

2.—(1) In this Order the following expressions shall have the meanings hereby respectively assigned to them:—

“the Act” means the Social Work (Scotland) Act 1968;

“establishment” means any establishment within the meaning of section 61(1) of the Act.

(2) The Interpretation Act 1889(b) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Form of Application for Registration

3. Application for registration of any person carrying on or intending to carry on an establishment shall be in the form set out in the Schedule to this Order, or in a form to the like effect, and shall contain such information as is requested therein.

Revocation

4. The Voluntary Homes (Registration) (Scotland) Regulations 1948(c), the National Assistance (Registration of Homes) (Scotland) Regulations 1949(d) and the National Assistance (Registration of Homes) (Scotland) (Amendment) Regulations 1962(e) are hereby revoked.

William Ross,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
13th November 1969.

(a) 1968 c. 49.

(b) 1889 c. 63.

(c) S.I. 1948/2595 (Rev. III, p. 806).

(d) S.I. 1949/1668 (1949 I, p. 2582).

(e) S.I. 1962/2489 (1962 III, p. 3368).

SCHEDULE

Application for registration of a person carrying on or intending to carry on an establishment within the meaning of section 61(1) of the Social Work (Scotland) Act 1968 (see Notes below).

<p>1. Full name, postal address and telephone number of applicant. (If application is made by an organisation, the address to be given is that of the registered or principal office. In addition the full names and addresses of the chairman and secretary must be given.)</p>												
<p>2. Name, postal address and telephone number of premises in respect of which application is made.</p>												
<p>3. Please state purposes of establishment and category or categories of persons to be received.</p>												
<p>4. Numbers of places:</p> <p style="margin-left: 40px;">(1) Maximum number</p> <p style="margin-left: 40px;">(2) Age range</p>	<p>Residents</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">M</td> <td style="width: 50%; text-align: center; padding: 5px;">F</td> </tr> <tr> <td style="height: 30px;"></td> <td style="height: 30px;"></td> </tr> </table>		M	F			<p>By day only</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">M</td> <td style="width: 50%; text-align: center; padding: 5px;">F</td> </tr> <tr> <td style="height: 30px;"></td> <td style="height: 30px;"></td> </tr> </table>		M	F		
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<p>5. General description of services and facilities to be provided.</p>												
<p>6.—(1) If children of school age are to be received in the establishment, is full-time education and/or training to be provided for 5 or more of them on the premises?</p> <p style="margin-left: 40px;">(2) If so, is it intended that the children concerned should be only those who have been reported to the local authority as unsuitable for education or training in school?</p>												
<p>7. Names, ages, qualifications and experience of persons to be engaged in the management of the establishment. Please indicate in each case whether resident or non-resident.</p>												
<p>8. Number and types of other staff to be engaged in running the establishment.</p>												

<p>9. If a Firemaster's Report has been obtained in relation to the proposed use of the premises, please state the date of the report and whether action has been taken to implement the recommendations contained in it.</p>	
<p>10. Date on which establishment is to be open for the reception of persons for whom it is to be provided or, in the case of a change of user, the date on which the change is to take effect.</p> <p>If the establishment was already open at 17th November 1969, or if application for registration is being made in respect of a change of user, please state the authority, if any, with which the establishment was previously registered and the date of that registration.</p>	
<p>11. Is the establishment carried on or to be carried on for financial reward?</p>	
<p>12. Is the establishment intended to be used for purposes other than those of the Act? If so, please indicate these purposes.</p>	

I hereby make application for registration in respect of the above-mentioned premises which I am carrying on * as an establishment within the meaning of section 61(1) of the Social Work (Scotland) Act 1968.

I intend to carry on

Signature of applicant.....

Designation

Full postal address

Date

*Delete as appropriate

NOTES

Note 1: *Meaning of "establishment"*

An establishment within the meaning of section 61(1) of the Act is "any residential or other establishment the sole or main object of which is to accommodate persons for the purposes of this Act, whether for reward or not, not being premises controlled or managed by a Government department or by a local authority, or required to be registered, or premises in respect of which a person is required to be registered, with a Government department or a local authority under any other enactment". (Until the commencement of Part III of the Act the expression "establishment" will not include an approved school; but following the commencement of Part III it will include any establishment which immediately before that date was an approved school and is not controlled or managed by a local authority.)

Note 2: *Registration authority to which application is to be made*

An application for registration in respect of an establishment is to be made to the county, city or large burgh within whose area the establishment is situated.

Note 3: *Right to require further information and to refuse application*

The registration authority to whom this application is made may require such further information as they may consider necessary to enable them to decide whether the requirements of registration are fulfilled. In terms of section 62(3) of the Act an application for registration may be refused if the registration authority are satisfied—

- (a) that the applicant or any person employed or proposed to be employed by him in the management of the establishment or any part thereof is not a fit person whether by reason of age or otherwise, to carry on or to be so employed at an establishment of such a description as the establishment named in the application; or
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the establishment or any premises used in connection therewith are not fit to be used for an establishment of such a description as aforesaid; or
- (c) that the way in which it is proposed to conduct the establishment is such as not to provide services or facilities reasonably required by persons resorting to such an establishment.

Note 4: *Appeal against refusal of application*

Section 64 of the Act lays down the machinery for appeals against refusal of an application for registration. The registration authority are obliged to give the applicant not less than 14 days notice of their intention to refuse an application for registration and to state the grounds on which they propose to do so. If the applicant wishes to show cause why his application should not be refused, the authority must give him an opportunity to do so either in person or by representative before the application is refused. A person whose application for registration is refused may, within 21 days of the date of the notice of refusal, appeal to a tribunal established under Schedule 5 of the Act.

Note 5: *Planning permission etc.*

Registration under the Act does not obviate the need to obtain any necessary planning permission and/or approval under the relevant Building Standards (Scotland) Regulations.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the form in which an application for registration in respect of any establishment within the meaning of section 61(1) of the Social Work (Scotland) Act 1968 is to be made and the information which is to be provided to the registration authority by the applicant.

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