SCOTTISH STATUTORY INSTRUMENTS

2002 No. 115

SOCIAL CARE

The Regulation of Care (Registration and Registers) (Scotland) Regulations 2002

Made - - - -	*8th March 2002*
Laid before the Scottish Parliament - - - -	*8th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by section 28(1)(b), (c), (d) and (2) of the Regulation of Care (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, and having consulted such persons and groups of persons as they consider appropriate in accordance with section 28(3) of that Act, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Regulation of Care (Registration and Registers) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations–

"the Act" means the Regulation of Care (Scotland) Act 2001; and

"provider" in relation to a care service means the person for the time being providing that service.

The Registers

2.—(1) The Commission shall maintain a separate register for each of the care services specified in section 2(1) of the Act.

(2) Each register shall contain the information specified in the Schedule.

Contents of Certificate

3. A certificate of registration shall contain the following information:–

(a) the full name, and the address of the place of work, of the provider;

(**1**) 2001 asp 8.

(b) the name and address of the Commission, including its electronic mail address and the location of any website which it maintains on the internet;

(c) the full name of the manager and the address of the care service;

(d) the type (in terms of section 2(1) of the Act) of care service which is registered;

(e) details of any condition to which the registration is subject, including in particular any requirement as to–

(i) the facilities to be provided by the service;

(ii) the times at or periods during which the service can operate;

(iii) the numbers or age of persons to whom it may be provided;

(iv) staffing; and

(v) any period of time within which any condition of registration is to be fulfilled; and

(f) the date of registration of the care service,

and shall be signed by an officer of the Commission authorised to sign on its behalf.

Disqualified applicants

4.—(1) The following persons are disqualified from making an application for registration under Part 1 of the Act:–

(a) a 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;

(b) a person whose estate has been sequestrated in Scotland or who has been adjudged bankrupt elsewhere than in Scotland or in relation to whose estate a judicial factor has been appointed or who has granted a trust deed for the benefit of the person's creditors:

Provided that–

(i) the disqualification attaching to a person whose estate has been sequestrated shall cease if and when–

(aa) the sequestration is recalled or reduced; or

(bb) the sequestration is discharged;

(ii) the disqualification attaching to a person by reason of having been adjudged bankrupt shall cease if and when–

(aa) the bankruptcy is annulled; or

(bb) the person is discharged;

(iii) the disqualification attaching to a person in relation to whose estate a judicial factor has been appointed shall cease if and when–

(aa) that appointment is recalled; or

(bb) the judicial factor is discharged; or

(iv) the disqualification attaching to a person who has granted a trust deed shall cease if and when the person pays the creditors in full or on the expiry of 5 years from the date of grant of the deed.

(2) For the purposes of paragraph (1)(a)–

(a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such