
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 150

The Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003

Fitness of providers

4.—(1) A person shall not provide a limited registration service unless the person is fit to do so.

(2) The following persons are not fit to provide such a service:—

- (a) a person who is not of integrity and good character;
- (b) 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; and
- (c) 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.
- (3) For the purposes of paragraph (2)(b)—
- (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 an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and
 - (b) any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have

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constituted an offence under the law in force in that part of the United Kingdom shall be disregarded.

(4) A provider shall inform the Commission immediately in writing where the provider becomes a person who is not fit to provide a care service in terms of this regulation.