

2005 No.432

SOCIAL CARE

**The Regulation of Care (Prescribed Registers) (Scotland)
Order 2005**

Made - - - - - *5th September 2005*

Laid before the Scottish Parliament *6th September 2005*

Coming into force - - - *28th September 2005*

The Scottish Ministers in exercise of the powers conferred on them by section 52(2)(b) of the Regulation of Care (Scotland) Act 2001(a), hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Regulation of Care (Prescribed Registers) (Scotland) Order 2005 and shall come into force on 28th September 2005.

Prescribed Registers

2. For the purpose of section 52(2)(b) of the Regulation of Care (Scotland) Act 2001 (prescription of relevant registers), the following registers are hereby prescribed—

- (a) the register maintained by the General Social Care Council under section 56(1) of the Care Standards Act 2000(b);
- (b) the register maintained by the Care Council for Wales or Cyngor Gofal Cymru under section 56(1) of the Care Standards Act 2000; and
- (c) the register maintained by the Northern Ireland Social Care Council under section 3(1) of the Health and Personal Social Services Act (Northern Ireland) 2001(c).

ROBERT E BROWN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th September 2005

(a) 2001 asp 8. Section 77(1) of the Act defines "prescribed" as meaning "prescribed by order made by the Scottish Ministers".
(b) 2000 c.14.
(c) 2001 c.3 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 52(1)(a) of the Regulation of Care (Scotland) Act 2001 (2001 asp 8) (“the Act”) provides that any person who, with intent to deceive, while not registered in any relevant register as a social worker, takes or uses the title of social worker, or purports in any other way to be a social worker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 52(2) of the Act provides that for the purposes of section 52(1), a register is a “relevant register” if it is (a) the register maintained by the Scottish Social Services Council under Part 3 of the Act or (b) such register as may be prescribed, being a register maintained under a provision of the law of England and Wales or of Northern Ireland which appears to the Scottish Ministers to correspond to section 44(1) of the Act.

These regulations prescribe the following registers as relevant registers–

- (a) the register maintained by the General Social Care Council under section 56(1) of the Care Standards Act 2000;
- (b) the register maintained by the Care Council for Wales or Cyngor Gofal Cymru under section 56(1) of the Care Standards Act 2000; and
- (c) the register maintained by the Northern Ireland Social Care Council under section 3(1) of the Health and Personal Social Services Act (Northern Ireland) 2001.

The Regulation of Care (Scotland) Act 2001 (Commencement No. 6) Order 2005 (S.S.I. 2005/426) brought into force section 52(1)(a) and section 52(2) of the Act on 1st September 2005.

£3.00

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100 09/05 19593

