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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Social Workers Regulations 2018**

**PART 8**

Amendments to other legislation

**Amendments to the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008**

**44.**—(1) The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008<sup>(1)</sup> are amended as follows.

(2) In regulation 5(2)(d), at the end insert “or a social worker registered in the register of social workers in England kept by Social Work England under section 39(1) of the Children and Social Work Act 2017”.

(3) In regulation 5(3)(c) for “that has been approved by the Secretary of State” substitute “, that has been specified by Social Work England, ”.

(4) After regulation 5(3) insert—

“(4) Social Work England may charge a fee for specifying training mentioned in paragraph (3)(c).

(5) Any fee charged by Social Work England under paragraph (4)—

- (a) may be set at a level which exceeds the cost of specifying training in respect of which it is charged,
- (b) must be set with a view to ensuring that, so far as possible, Social Work England’s fee income in any year does not exceed its expenses in the same year.

(6) Social Work England must determine—

- (a) the time within which any fee is to be paid,
- (b) the circumstances in which a fee—
  - (i) is not chargeable,
  - (ii) may be reduced,
  - (iii) may be refunded, in whole or in part, or
  - (iv) may be waived, and
- (c) the steps it may take in the event that a fee charged under paragraph (4) is not paid within the time set, including—
  - (i) refusing to specify the training in question, and
  - (ii) recovery of the fee as a civil debt.

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(1) [S.I. 2008/1858](#), as amended by [S.I. 2012/1479](#).

(7) Social Work England must pay any fees received under this regulation to the Secretary of State, unless the Secretary of State with the consent of the Treasury directs otherwise.

(8) In this regulation “Social Work England” means the body corporate established by section 36(1) of the Children and Social Work Act 2017.”.