EXECUTIVE NOTE

THE JOINT INSPECTIONS (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/365

1. The above instrument is made in exercise of the powers conferred on the Scottish Ministers by sections 3(1) and 6(2) of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006. The instrument is subject to draft affirmative procedure.

Policy Objective

2. This purpose of this instrument is to amend the Joint Inspections (Scotland) Regulations 2006 (S.S.I./draft) ("the principal regulations") to removal of the criminal offence created in terms of regulations 5(2) and 11.

3. Regulation 5(1) of the principal regulations makes provision for a power of entry to premises for the purposes of a joint inspection. Regulation 5(2) requires a person seeking to exercise that power of entry, if requested to do so, to produce some duly authenticated document showing the authority to exercise the power. In terms of regulation 11 a person who without reasonable excuse obstructs the exercise of the power of entry or who fails to comply with a requirement of, or requirement imposed by virtue of, regulation 5 is guilty of an offence.

4. As highlighted in correspondence between the Scottish Executive and the Subordinate Legislation Committee in relation to the principal regulations it was not the intention of the Executive to create a criminal offence on the part of an inspector proposing to exercise a power of entry by failing to produce a document of authority when requested to so.

Consultation

5. The Scottish Executive has not separately consulted on this instrument.

Financial Effects

6. The instrument has no financial effect on the Scottish Executive, local government or on business.

Scottish Executive Education Department
April 2006