SCOTTISH STATUTORY INSTRUMENTS

2016 No. 413

SOCIAL CARE

The Regulation of Care (Prescribed Registers) (Scotland) Amendment Order 2016

Made - - - -	*6th December 2016*
Laid before the Scottish Parliament	*8th December 2016*
Coming into force - -	*3rd April 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 52(2)(b) of the Regulation of Care (Scotland) Act 2001(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Regulation of Care (Prescribed Registers) (Scotland) Amendment Order 2016 and comes into force on 3rd April 2017.

Amendment of the Regulation of Care (Prescribed Registers) (Scotland) Order 2005

2.—(1) The Regulation of Care (Prescribed Registers) (Scotland) Order 2005(**b**) is amended as follows.

(2) In regulation 2(b) (prescribed registers) for "the Care Council for Wales or Cyngor Gofal Cymru under section 56(1) of the Care Standards Act 2000" substitute "Social Care Wales under section 80 of the Regulation and Inspection of Social Care Wales Act 2016".

MARK McDONALD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th December 2016

(**a**) 2001 asp 8. Section 77 contains a definition of "prescribed" relevant to the exercise of the statutory powers under which this Order is made.
(**b**) S.S.I. 2005/432.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 52(1)(a) of the Regulation of Care (Scotland) Act 2001 ("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.

The Regulation of Care (Prescribed Registers) (Scotland) Order 2005 ("the 2005 Order") prescribes the register maintained by the Care Council for Wales or Cyngor Gofal Cymru under section 56(1) of the Care Standards Act 2000 (c.14). Under section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) ("the 2016 Act"), the Care Council for Wales, or Cyngor Gofal Cymru, is to be replaced by Social Care Wales. Section 80 of the 2016 Act requires Social Care Wales to maintain a register of certain social care workers. Accordingly, this Order amends the reference to the Care Council for Wales or Cyngor Gofal Cymru in the 2005 Order to Social Care Wales, to ensure that, from 3rd April 2017, the register maintained by Social Care Wales under section 80 of the 2016 Act is prescribed for the purpose of section 52(b) of the Act.

© Crown copyright 2016

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

ISBN 978-0-11-103412-5



£4.25

S2016120711 12/2016 19585

http://www.legislation.gov.uk/id/ssi/2016/413