

**SCOTTISH SOCIAL SERVICES COUNCIL
(REGISTRATION) (AMENDMENT) RULES 2010**

The Scottish Social Services Council, in exercise of its powers under sections 47, 48, 49, 50 and 57 of the Regulation of Care (Scotland) Act 2001, and of all other powers enabling the Scottish Social Services Council in that behalf, and having consulted such persons as appear to the Council to be appropriate, with the consent of the Scottish Ministers, hereby makes the Scottish Social Services Council (Registration) (Amendment) Rules 2010:

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PART I

INTRODUCTION

1. Citation, commencement, saving and extent

- (1) These Rules may be cited as the Scottish Social Services Council (Registration) (Amendment) Rules 2010 and shall come into force on the day they are signed on behalf of the Council.

- (2) The Scottish Social Services Council (Registration) Rules 2009A and the Scottish Social Services Council (Registration) Rules 2009B are hereby amended, and these Rules shall apply to any case whether initiated before or after the coming into force of these Rules.

- (3) The Council, its Conduct Sub-Committee or any Sub-committee, as may be, may relieve any Party from the consequence of a failure to comply with a provision in these Rules, which is shown to be due to a mistake, oversight or other excusable cause, on such conditions, if any, as it thinks fit.

PART II
AMENDMENTS

2. Amendments to the Scottish Social Services Council (Registration) Rules 2009A and the Scottish Social Services Council (Registration) Rules 2009B

(1) The Scottish Social Services Council (Registration) Rules 2009A are amended as follows:

(a) for Rule 28(3) of Part IV substitute:

"28(3) Each Sub-committee shall consist of up to five members and the quorum shall be two."

(b) for Rule 28(5) of Part IV substitute:

"28(5) Each Sub-committee shall consist of at least one Lay Person and one Due Regard member."

(c) for Rule 29(1) of Part IV substitute:

"29(1) Decisions of all Sub-committees shall be taken by simple majority, unless the Sub-committee consists of two or four members, in which case the Convener of the Sub-committee may exercise a casting vote. Any abstention shall be deemed to be a vote in favour of the Registrant."

(d) after subsection (2) of Rule 29 of Part IV add:

"(3) Where a Sub-committee becomes inquorate :

- i. either before the decision of the Sub-committee is read out; or

- ii. where the Sub-committee was minded to impose conditions, after the 14 day period referred to in Rule 21(15) of Part III and before the Sub-committee has reconvened and read out a new decision or confirmed the original decision;

if in the reasonable opinion of the Council, the Sub-committee is unlikely to become quorate within 28 days of the Council becoming aware that a member of the Sub-committee is unavailable, then the Council may put in place arrangements to re-hear the case afresh. If the case is to be re-heard afresh, the Clerk will issue a Notice of Referral in accordance with Rule 20 of Part III and the provisions of the Scottish Social Services Council (Registration) Rules 2009A as amended will apply.”

- (2) The Scottish Social Services Council (Registration) Rules 2009B are amended as follows:

- (a) for Rule 28(3) of Part IV substitute:

“28(3) Each Sub-committee shall consist of up to five members and the quorum shall be two.”

- (b) for Rule 28(5) of Part IV substitute:

“28(5) Each Sub-committee shall consist of at least one Lay Person and one Due Regard member.”

- (c) for Rule 29(1) of Part IV substitute:

“29(1) Decisions of all Sub-committees shall be taken by simple majority, unless the Sub-committee consists of two or four

members, in which case the Convener of the Sub-committee may exercise a casting vote. Any abstention shall be deemed to be a vote in favour of the Registrant."

(d) after subsection (2) of Rule 29 of Part IV add:

"(3) Where a Sub-committee becomes inquorate :

- i. either before the decision of the Sub-committee is read out; or
- ii. where the Sub-committee was minded to impose conditions, after the 14 day period referred to in Rule 21(15) of Part III and before the Sub-committee has reconvened and read out a new decision or confirmed the original decision;

if in the reasonable opinion of the Council, the

Sub-committee is unlikely to become quorate within 28 days of the Council becoming aware that a member of the Sub-committee is unavailable, then the Council may put in place arrangements to re-hear the case afresh. If the case is to be re-heard afresh, the Clerk will issue a Notice of Referral in accordance with Rule 20 of Part III and the provisions of the Scottish Social Services Council (Registration) Rules 2009B as amended will apply."

Convener



On behalf of the Scottish Social Services Council

Dated 25/10/10