



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 1

THE COMMISSION AND CARE SERVICES

Offences

21 Offences in relation to registration under Part 1

- (1) Any person who—
 - (a) provides a care service while it is not registered under this Part; or
 - (b) with intent to deceive, pretends that a care service is registered under this Part,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (2) Any person who fails to comply with section 9(4) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Subsection (1)(a) above does not apply as respects actings which—
 - (a) constitute an offence under section 11 of the Adoption (Scotland) Act 1978 (c. 28); or
 - (b) fall within the exception provided for in subsection (1) of that section.

22 False statements in applications under Part 1

Any person who, in an application—

- (a) for registration under this Part; or
- (b) for variation or removal of a condition in force in relation to a registration under this Part,

knowingly makes a statement which is false or misleading in a material respect shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

23 Offences by bodies corporate etc.

Where an offence under this Part, or under regulations made under this Part, committed by—

- (a) a body corporate other than a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is a director, manager or secretary of the body corporate; or
 - (ii) purports to act in any such capacity;
- (b) a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is an officer or member of the authority; or
 - (ii) purports to act in any such capacity;
- (c) a firm, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is a partner in the firm; or
 - (ii) purports to act in that capacity;
- (d) an unincorporated association other than a firm, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is concerned in the management or control of the association; or
 - (ii) purports to act in the capacity of a person so concerned;

the person (as well as the body corporate or as the case may be the local authority, firm or association) is guilty of the offence and is liable to be proceeded against and punished accordingly.