



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 3

CARE SERVICES

Offences

80 Offences in relation to registration under Chapter 3

- (1) Any person who—
- (a) provides a care service while not registered under this Chapter, or
 - (b) with intent to deceive, pretends that a care service is registered under this Chapter,
- commits an offence and is 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 60(5) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Subsection (1)(a) does not apply as respect actings which—
- (a) constitute an offence under section 75 of the Adoption and Children (Scotland) Act 2007 (asp 4), or
 - (b) fall within the exception provided for in subsection (1) of that section.

Commencement Information

II S. 80 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I2 S. 80 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

81 False statements in application under Chapter 3

Any person who, in an application—

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

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

Commencement Information

- I3** S. 81 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)
I4 S. 81 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

82 Offences by bodies corporate etc.

Where an offence under this Chapter, or under regulations made under this Chapter, 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 attributed 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) commits the offence and is liable to be proceeded against and punished accordingly.

Commencement Information

- I5** S. 82 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)
I6 S. 82 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)