

*These notes relate to the Regulation of Care (Scotland) Act
2001 (asp 8) which received Royal Assent on 5 July 2001*

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 2: Local Authority Adoption and Fostering Services Etc

Section 33: Local authority applications for registration under Part 2

123. Subsection (1) requires a local authority to apply to the Commission to register its adoption and fostering services, and subsection 1(c) extends this to cover any other care service which a local authority determines they must provide in order to fulfil a statutory duty. Subsection (2) empowers Ministers to prescribe the manner and content of applications and that a fee should be payable.
124. Subsection (3) makes provision for the Commission to disagree with the local authority's determination and refer the matter to Ministers, giving its reasons. Ministers must then decide (subsection (4)) whether the local authority's determination is justified. If it considers that it is not, the application for registration is deemed to have been under the Part 1 provisions.