

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 5: Provisions Common to the Commission and Council

Duty to consult

Section 62: Duty of Commission and Council to consult each other

171. This section provides that the Commission and Council should have a constant dialogue with each other on matters which are of interest to both parties. This may include consultation about cases such as the manager of a care home being removed from the Council's register.

Section 63: Guidance as to consultation

172. This section imposes a duty on Scottish Ministers to issue guidelines to the Commission and Council on how they should fulfil the consultation requirements of the Act. This could include examples of the kind of bodies that it is expected should be consulted in particular circumstances. The guidelines would have statutory force -ie they would be regarded much more seriously by the courts than guidelines issued without a specific statutory provision.