



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 2

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

38 Notice of Commission's decision under Part 2

- (1) If the Commission decides to implement a notice to which section 37 of this Act applies, it shall give the local authority to which that notice was given notice of its decision.
- (2) A notice under subsection (1) above shall—
 - (a) explain the right of appeal conferred by section 39 of this Act; and
 - (b) in the case of a decision—
 - (i) to grant an application in respect of which there has been a proposal under section 34(1)(b); or
 - (ii) to vary or remove a condition or to impose an additional condition, state the condition or additional condition imposed, or the condition varied or removed, as the case may be.
- (3) Subject to subsection (4) below, a decision to implement a notice to which section 37 of this Act applies shall not take effect—
 - (a) if no appeal is brought, until the period of fourteen days referred to in section 39(1) of this Act has elapsed; and
 - (b) if an appeal is brought, until that appeal is finally determined or abandoned.
- (4) Where the authority notify the Commission in writing, before the period of fourteen days referred to in section 39(1) of this Act has elapsed, that there will be no appeal against a notice under section 34(1)(ii), that notice shall take effect on receipt of such notification by the authority.