



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 2

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

41 Report to Scottish Ministers

- (1) Where the Commission has given an improvement notice to a local authority in respect of a care service provided by them and registered under this Part, the Commission shall forthwith—
 - (a) report that fact; and
 - (b) give a copy of the improvement notice,to the Scottish Ministers.
- (2) Within fourteen days after the expiry of the period specified in the improvement notice, the Commission shall report to the Scottish Ministers—
 - (a) where the improvement notice has been complied with, that it has been; or
 - (b) where the improvement notice has not been complied with, the respect in which it has not been,and shall give to the Scottish Ministers such other information as they may reasonably require in relation to the compliance or failure to comply, as the case may be.
- (3) Without prejudice to subsection (1) above, in a case where—
 - (a) any person has been convicted of a relevant offence in relation to the service provided by the authority; or
 - (b) it appears to the Commission that that service is being, or has at any time been, carried on other than in accordance with the relevant requirements,the Commission shall report that matter to the Scottish Ministers and give them such other information as they may reasonably require in relation to the matter.
- (4) For the purposes of—
 - (a) paragraph (a) of subsection (3) above, the following are relevant offences—
 - (i) an offence under this Act;
 - (ii) an offence under regulations made under this Act; or

Status: This is the original version (as it was originally enacted).

- (iii) an offence which, in the opinion of the Commission, makes it appropriate that there should be a report to the Scottish Ministers under that subsection; and
 - (b) paragraph (b) of that subsection and section 42 of this Act, the following are relevant requirements—
 - (i) any requirements (or conditions) imposed by or under this Act;
 - (ii) the requirements of regulations made under this Act; or
 - (iii) any requirements (or conditions) imposed by, under or by virtue of such other Act as may be prescribed.
- (5) The Commission shall report and provide information to the Scottish Ministers on such other matters in relation to a care service registered under this Part as may be prescribed.