



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 5

PROVISIONS COMMON TO COMMISSION AND COUNCIL

Complaints, inquiries and maladministration

65 Inquiries

- (1) The Scottish Ministers may cause an inquiry to be held into any matter connected with—
 - (a) the exercise by the Commission or by the Council of its functions; or
 - (b) the provision of a care service.
- (2) The Commission may cause an inquiry to be held into any matter connected with—
 - (a) the exercise of its functions; or
 - (b) the provision of a care service.
- (3) The Council may cause an inquiry to be held into any matter connected with the exercise of its functions.
- (4) Before there is commenced an inquiry—
 - (a) under subsection (1) above, the Scottish Ministers;
 - (b) under subsection (2) above, the Commission; or
 - (c) under subsection (3) above, the Council,may direct that it be held in private; but where no such direction has been given the person holding the inquiry may if that person thinks fit hold it, or any part of it, in private.
- (5) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (provisions relating to local inquiries) shall apply in relation to an inquiry under subsection (1) above as they apply in relation to a local inquiry under that section.
- (6) Subsections (2) to (6) of that section shall apply in relation to an inquiry under subsection (2) or (3) above as they apply in relation to such a local inquiry; except that, for the purposes of an inquiry under—

Status: This is the original version (as it was originally enacted).

- (a) subsection (2) above, any reference in those subsections which, by virtue of the Scotland Act 1998 (c. 46), falls to be construed as a reference to—
 - (i) the Scottish Ministers, shall be construed as a reference to the Commission; and
 - (ii) a member of the staff of the Scottish Ministers, as a reference to an officer of the Commission; or
 - (b) subsection (3) above, any such reference in those subsections shall be construed as a reference to the Council or, as the case may be, to an officer of the Council.
- (7) The expenses incurred by the Commission or by the Council in relation to an inquiry under subsection (2), or as the case may be (3), above (including such reasonable sum as the body in question may determine for the services of any of its officers engaged in the inquiry) shall, unless that body is of the opinion that those expenses should be defrayed in whole or in part by it, be paid by such party to the inquiry as it may direct; and the body may certify the amount of the expenses so incurred.
- (8) Any sum certified under subsection (7) above and to be defrayed in accordance with a direction under that subsection shall be a debt due by the party directed and shall be recoverable accordingly.
- (9) In relation to an inquiry under—
- (a) subsection (2) above, the Commission; or
 - (b) subsection (3) above, the Council,
- may make an award as to the expenses of the parties and as to the parties by whom such expenses shall be paid.