



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 5

### SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

#### CHAPTER 3

##### CARE SERVICES

###### *Proposals and applications in relation to registered care services*

#### **67 Emergency condition notices**

- (1) Subsection (2) applies where—
  - (a) a person is providing a care service registered under this Chapter, and
  - (b) SCSWIS believes that the absence of a condition in relation to the registration of that service poses a serious risk to the life, health or wellbeing of persons.
- (2) SCSWIS may at any time give notice (an “emergency condition notice”) to the person providing the service specifying a condition, in relation to registration, in respect of that risk.
- (3) The condition so specified takes effect immediately on receipt of the emergency condition notice.
- (4) An emergency condition notice must—
  - (a) state that, within 14 days after service of the notice, the person to whom it is given may make written representations to SCSWIS concerning any matter which that person wishes to dispute, and
  - (b) explain the right of appeal conferred by section 69(1).
- (5) SCSWIS must consider any representations made under subsection (4)(a) and, following such consideration, must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) give the person providing the service a condition notice stating that SCSWIS proposes to vary or remove the condition specified in the emergency condition notice, or
  - (b) notify the person that it does not intend to give such a condition notice.
- (6) When notifying a person under subsection (5)(b), SCSWIS must explain the right of appeal conferred by section 69(1).
- (7) Where a condition notice has been given by virtue of subsection (5)(a) containing a proposal to remove the condition, SCSWIS must implement the proposal unless it appears to it that it would be inappropriate to do so.