



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 5 **S**

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 4 **S**

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

92 Default powers of Scottish Ministers **S**

- (1) If the Scottish Ministers (having received a report under section 91 or otherwise) are satisfied that a local authority providing a care service registered under this Chapter is, without reasonable excuse—
 - (a) failing to comply with an improvement notice, or
 - (b) carrying on the service other than in accordance with the relevant requirements,they may take the action mentioned in subsection (2) in respect of the matter.
- (2) The action is—
 - (a) to declare the authority to be in default, and
 - (b) to direct the authority to take such steps to remedy the matter as may be specified in the direction within such reasonable period as may be so specified.
- (3) If the authority fails to comply with a direction under subsection (2)—
 - (a) the Scottish Ministers may—
 - (i) take the steps specified in the direction themselves, or
 - (ii) make arrangements for any other person to take those steps on their behalf, or
 - (b) the Court of Session may, on the application of the Scottish Ministers, order specific performance of those steps.

Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 92 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) All expenses of the Scottish Ministers under subsection (3) are recoverable as a debt due by the authority to them.

Commencement Information

- I1** [S. 92](#) in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), [art. 3](#), [Sch.](#)
I2 [S. 92](#) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), [art. 2](#), [Sch.](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)