



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 4

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

92 Default powers of Scottish Ministers

- (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.

Status: *This is the original version (as it was originally enacted).*

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