



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 1

THE COMMISSION AND CARE SERVICES

National care standards

5 National care standards

- (1) The Scottish Ministers shall prepare and publish national care standards applicable to care services; and they shall keep the standards so published under review and shall publish amended such standards whenever they consider it appropriate to do so.
- (2) Before publishing under subsection (1) above any—
 - (a) standards; or
 - (b) amended standards which in the opinion of the Scottish Ministers are substantially different from the standards (or amended standards) last so published,they shall consult such persons, or groups of persons, as they consider appropriate.
- (3) In relation to a care service other than those mentioned in subsection (4) below, the national care standards and the Scottish Social Services Council's codes of practice (that is to say, the codes of practice published by the Council under section 53 of this Act) shall be taken into account—
 - (a) by the Commission in making any decision under this Part;
 - (b) in any proceedings for the making of an order under section 18 of this Act;
 - (c) in any proceedings on an appeal—
 - (i) under section 20(1) of this Act; or
 - (ii) against such an order; and
 - (d) in any proceedings for an offence in relation to registration under this Part.
- (4) In relation to an adoption service mentioned in subsection (11)(a) of section 2 of this Act, a fostering service mentioned in subsection (14)(a) or (c) of that section or any other care service registered under Part 2 of this Act, the national care standards and the codes of practice mentioned in subsection (3) above shall be taken into account—

Status: Point in time view as at 01/04/2004.

Changes to legislation: *There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: National care standards. (See end of Document for details)*

- (a) by the Commission in making any decision under this Part or Part 2 of this Act;
- (b) in any proceedings on an appeal under section 39 of this Act; and
- (c) in any proceedings for an offence in relation to registration under that Part.

Commencement Information

- I1** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 81(2); s. 5(1)(2) in force at 1.10.2001 by [S.S.I. 2001/304](#), **art. 2(1)(a)**; s. 5(3) in force at 1.4.2002 by [S.S.I. 2002/162](#), **art. 2(e)** (subject to [arts. 3-13](#))
- I2** S. 5(4) in force at 1.4.2004 by [S.S.I. 2004/100](#), **art. 2(b)** (with [arts. 3, 4](#)) (as amended (30.9.2004) by [S.S.I. 2004/377](#), art. 2)

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