



Regulation of Care (Scotland) Act 2001

2001 asp 8

PART 5

PROVISIONS COMMON TO COMMISSION AND COUNCIL

Grants and guarantees

60 Grants

- (1) The Scottish Ministers may make grants to [^{F1}the Commission or to] the Council towards expenses incurred, or to be incurred, by it in connection with—
 - (a) the initial establishment of the [^{F2}body in question][^{F2}Council]; and
 - (b) the discharge by [^{F3}that body][^{F3}the Council] of its functions.
- (2) Any grant made under subsection (1) above may be made on such terms and subject to such conditions (including conditions as to repayment) as the Scottish Ministers think fit; and the Scottish Ministers may from time to time after the grant is made vary such terms and conditions.

Textual Amendments

- F1** Words in s. 60(1) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 5\(a\)](#); S.S.I. 2010/321, art. 3, sch.
- F2** Word in s. 60(1)(a) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 5\(b\)](#); S.S.I. 2010/321, art. 3, sch.
- F3** Words in s. 60(1)(b) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 5\(c\)](#); S.S.I. 2010/321, art. 3, sch.

61 Guarantees

- (1) The Scottish Ministers may guarantee, in such manner and on such conditions as they think fit, the discharge of any financial obligation in connection with any sum which [^{F4}the Commission or] the Council borrows from any person.

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, PART 5. (See end of Document for details)

- (2) Where the Scottish Ministers give a guarantee under this section they shall forthwith lay a statement of the guarantee before the Parliament.
- (3) Where any sum is paid out in fulfilment of a guarantee under this section, the Scottish Ministers shall, as soon as reasonably practicable after the end of each financial year (beginning with that in which the sum is paid out and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged), lay before the Parliament a statement relating to that sum.
- (4) Where any sum is paid out in fulfilment of a guarantee under this section, [^{F5}the Commission, or as the case may be] the Council, shall make to the Scottish Ministers, at such times and in such manner as they may so direct from time to time direct—
 - (a) payments of such amounts as they may so direct in or towards repayment of the sum so paid out; and
 - (b) payment of interest, at such rate as they may so direct, on what is outstanding for the time being in respect of that sum.

Textual Amendments

- F4** Words in s. 61(1) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 6\(a\)](#); S.S.I. 2010/321, art. 3, sch.
- F5** Words in s. 61(4) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 6\(b\)](#); S.S.I. 2010/321, art. 3, sch.

Duty to consult

62 Duty of Commission and Council to consult each other

The [^{F6}Commission and the] Council shall [^{F7}each], in the exercise of its functions, consult [^{F8}the other][^{F8}Social Care and Social Work Improvement Scotland] in every case in which it appears to the [^{F9}body exercising the function][^{F9}Council] appropriate that there should be such consultation.

Textual Amendments

- F6** Words in s. 62 repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 7\(a\)](#); S.S.I. 2010/321, art. 3, sch.
- F7** Word in s. 62 repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 7\(b\)](#); S.S.I. 2010/321, art. 3, sch.
- F8** Words in s. 62 substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 7\(c\)](#); S.S.I. 2010/321, art. 3, sch.
- F9** Word in s. 62 substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 7\(d\)](#); S.S.I. 2010/321, art. 3, sch.

63 Guidance as to consultation

The Scottish Ministers shall issue guidelines to [^{F10}the Commission and to] the Council as to the fulfilment, by the [^{F11}body in question][^{F11}Council], of any requirement under this Act to consult any person or group of persons.

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, PART 5. (See end of Document for details)

Textual Amendments

- F10** Words in s. 63 repealed (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 8(a)**; S.S.I. 2010/321, art. 3, sch.
- F11** Word in s. 63 substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 8(b)**; S.S.I. 2010/321, art. 3, sch.

Complaints, inquiries and maladministration

64 Complaints procedure

- (1) [^{F12}The Commission and the Council shall each][^{F12}The Council shall] establish a procedure by which a person, or someone acting on a person's behalf, may make complaints (or other representations) in relation to the exercise by the [^{F13}body in question][^{F13}Council] of, or failure by it to exercise, any of its functions under this Act in respect of the person.
- (2) Before establishing a procedure under subsection (1) above, the [^{F14}body in question][^{F14}Council] shall consult the Scottish [^{F15}Public Services Ombudsman] on its proposals for such a procedure ^{F16}....
- (3) The [^{F17}body in question][^{F17}Council] shall keep the procedure so established by it under review and shall vary that procedure whenever, [^{F18}after such consultation], it considers it appropriate to do so.
- (4) The [^{F19}body in question][^{F19}Council] shall give such publicity to that procedure (including that procedure as varied under subsection (3) above) as it considers appropriate and shall give a copy of the procedure to any person who requests it.

Textual Amendments

- F12** Words in s. 64(1) substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 9(a)(i)**; S.S.I. 2010/321, art. 3, sch.
- F13** Word in s. 64(1) substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 9(a)(ii)**; S.S.I. 2010/321, art. 3, sch.
- F14** Word in s. 64(2) substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 9(b)**; S.S.I. 2010/321, art. 3, sch.
- F15** Words in s. 64(2) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 11(a)(i)**; S.S.I. 2010/221, art. 3(2), sch.
- F16** Words in s. 64(2) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 11(a)(ii)**; S.S.I. 2010/221, art. 3(2), sch.
- F17** Word in s. 64(3) substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 9(c)**; S.S.I. 2010/321, art. 3, sch.
- F18** Words in s. 64(3) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 11(b)**; S.S.I. 2010/221, art. 3(2), sch.
- F19** Word in s. 64(4) substituted (1.10.2010 for specified purposes) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 9(d)**; S.S.I. 2010/321, art. 3, sch.

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65 **Inquiries**

- (1) The Scottish Ministers may cause an inquiry to be held into any matter connected with—
 - (a) the exercise [^{F20}by the Commission or] by the Council of its functions; [^{F21}or]
 - (b) [^{F21}the provision of a care service.]
- (2) [^{F22}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) [^{F23}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 [^{F24}(2) or] (3) above as they apply in relation to such a local inquiry; except that, for the purposes of an inquiry under—
 - (a) [^{F25}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 [^{F26}by the Commission or] by the Council in relation to an inquiry under subsection [^{F27}(2), or as the case may be (3),] [^{F27}(3)] above (including such reasonable sum as the [^{F28}body in question][^{F28}Council] may determine for the services of any of its officers engaged in the inquiry) shall, unless [^{F29}that body][^{F29}the Council] 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 [^{F30}body][^{F30}Council] 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) [^{F31}subsection (2) above, the Commission; or]

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(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.

Textual Amendments

- F20** Words in s. 65(1)(a) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(a\)\(i\)](#); S.S.I. 2010/321, art. 3, sch.
- F21** S. 65(1)(b) and word repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(a\)\(ii\)](#); S.S.I. 2010/321, art. 3, sch.
- F22** S. 65(2) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(b\)](#); S.S.I. 2010/321, art. 3, sch.
- F23** S. 65(4)(b) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(c\)](#); S.S.I. 2010/321, art. 3, sch.
- F24** Words in s. 65(6) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(d\)\(i\)](#); S.S.I. 2010/321, art. 3, sch.
- F25** S. 65(6)(a) and word repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(d\)\(ii\)](#); S.S.I. 2010/321, art. 3, sch.
- F26** Words in s. 65(7) repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(e\)\(i\)](#); S.S.I. 2010/321, art. 3, sch.
- F27** Word in s. 65(7) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(e\)\(ii\)](#); S.S.I. 2010/321, art. 3, sch.
- F28** Word in s. 65(7) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(e\)\(iii\)](#); S.S.I. 2010/321, art. 3, sch.
- F29** Words in s. 65(7) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(e\)\(iv\)](#); S.S.I. 2010/321, art. 3, sch.
- F30** Word in s. 65(7) substituted (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(e\)\(v\)](#); S.S.I. 2010/321, art. 3, sch.
- F31** S. 65(9)(a) and word repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 10\(f\)](#); S.S.I. 2010/321, art. 3, sch.

F32 66

Textual Amendments

- F32** S. 66 repealed (23.10.2002) by [2002 asp 11](#), s. 25, [Sch. 6 para. 24](#); S.S.I. 2002/467, art. 2

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, PART 5.