

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 2: Local Authority Adoption and Fostering Services Etc

Section 37: Right to make representations to Commission under Part 2 as respects conditions

128. This section gives a local authority the right to make, within 14 days after receiving a notice to which the section applies, written representations to the Commission about any matter which they may wish to dispute. The notices in question are: any notice of a proposal to grant an application for registration but to do so subject to conditions, any notice of a proposal to vary, remove or impose a condition in relation to an existing registration and any notice of a proposal to refuse such an application.
129. Subsection (2) provides that the Commission may not implement the terms of the notice until the 14 day period has ended unless they receive representations during the 14 day period or the authority notifies the Commission that it will not be making representations. The intention is that the Commission should review its decision in light of any representations and that it should operate a fair and transparent process for the consideration of such representations.