

SCHEDULE 4
OTHER MEASURES IN RESPONSE TO CORONAVIRUS

PART 4

CARE SERVICES: GIVING OF NOTICES BY THE CARE INSPECTORATE

- 5 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if for section 101 (giving of notice) there were substituted—

“101 Giving of notice

- (1) In Chapters 3 and 4, any reference to a notice being given to a person providing, or seeking to provide, a care service is to be construed as a reference to its being—
- (a) delivered, where the person is—
 - (i) an individual, to that individual,
 - (ii) a body corporate, to a director, secretary or other similar officer of that body or to a manager (or other similar officer) of the care service provided by that body, or
 - (iii) a firm, to a partner of that firm,
 - (b) sent by post, properly addressed to the person, in a registered letter or by the recorded delivery service, or
 - (c) transmitted to the person electronically.
- (2) In subsection (1)(a)(ii), “manager”, in relation to a care service provided by a body corporate, means the manager whose name is entered in the register maintained under regulation 5 of the Social Care and Social Work Improvement Scotland (Registration) Regulations 2011 (S.S.I. 2011/28) in relation to the care service.
- (3) For the purpose of subsection (1)(b)—
- (a) a letter is properly addressed to—
 - (i) a body corporate, if addressed to the body at its registered or principal office,
 - (ii) a firm, if addressed to the firm at its principal office,
 - (iii) any other person, if addressed to the person at the address last known,
 - (b) a notice sent by post is to be taken to have been received on the third day after the day of posting unless the contrary is shown.
- (4) For the purpose of subsection (1)(c)—
- (a) electronic transmission of a notice must be effected in a way that the person has indicated to SCSWIS that the person is willing to receive the notice,
 - (b) the person’s willingness to receive a notice in a particular way may be—
 - (i) specific to the notice in question or generally applicable to notices or other documents of that kind,

Status: This is the original version (as it was originally enacted).

- (ii) expressed specifically to SCSWIS or generally (for example on a website),
 - (iii) inferred from the person having previously been willing to receive notices or other documents from SCSWIS in that way and not having indicated an unwillingness to do so again,
- (c) SCSWIS' uploading of a notice to an electronic storage system from which the person is able to download the notice may constitute electronic transmission of the notice from SCSWIS to the person,
- (d) a notice transmitted electronically is to be taken to have been received on the day of transmission unless the contrary is shown.”.