



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

## PART 3

### PUBLIC SERVICE REFORM

#### *Care services*

#### **38 Care services: giving of notices by SCSWIS**

- (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) For section 101 (giving of notice) substitute—

#### **“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,
    - (iii) a firm, to a partner of that firm,
  - (b) sent by post, properly addressed to the person—
    - (i) by a registered post service (as defined in section 125(1) of the Postal Services Act 2000), or
    - (ii) by a postal service which provides for the delivery of the document to be recorded, 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

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*Status: This is the original version (as it was originally enacted).*

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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,
    - (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, where the person is sent a notification that the notice has been uploaded in that way,
  - (d) a notice transmitted electronically is to be taken to have been received on the day of transmission unless the contrary is shown.”.