
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 169

**The Public Services Reform (Scotland) Act
2010 (Health and Social Care) Savings and
Transitional Provisions (No. 2) Order 2011**

Appeal proceeds – savings provision

2.—(1) Where—

- (a) a person has been given notice by the Commission under section 17(3) of the 2001 Act of the Commission’s decision to implement a proposal in relation to a condition notice⁽¹⁾ or a notice under section 15 of that Act in respect of a care service or independent health care service;
- (b) that person has raised an appeal in respect of that decision under section 20 of the 2001 Act; and
- (c) that appeal has not been finally determined before 1st April 2011,

Part 1 of the 2001 Act will continue to apply for the purposes of the care service or independent health care service which is the subject of those appeal proceedings until the final determination of those proceedings.

(2) Article 2(1) of the first Savings and Transitional Order does not apply to any care service to which paragraph (1) applies.

(3) Article 10(1) of the first Savings and Transitional Order does not apply to any independent health care service to which paragraph (1) applies.

(4) For the purposes of this article—

“the Commission” means the Scottish Commission for the Regulation of Care⁽²⁾;

“the first Savings and Transitional Order” means the Public Services Reform (Scotland) Act 2010 (Health and Social Care) Savings and Transitional Provisions Order 2011⁽³⁾.

(1) Section 13 of the 2001 Act gives a definition of “condition notice”.

(2) The Scottish Commission for the Regulation of Care was established by section 1 of the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#).

(3) [S.S.I. 2011/121](#).