

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 2: Local Authority Adoption and Fostering Services Etc

Section 38: Notice of Commission's decision under Part 2

130. This section provides that if the Commission has decided to implement a notice, such as mentioned in paragraph 128 above, it must give the local authority to which the notice applies, written notice of its decision.
131. Subsections (2)-(4) deal with situations where the representations stage has been completed, requiring the Commission to serve a notice in writing of their decision on the authority. The notice must explain the right of appeal conferred by section 39 and in the case of a decision to grant an application subject to conditions or to vary conditions, set out those conditions. A decision to implement a notice, such as is mentioned in paragraph 128 above, will take effect only after the outcome of any appeal has been determined, or after 14 days if no appeal is brought. If an authority decides not to pursue its appeal the decision will take effect immediately.