



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 1

#### THE COMMISSION AND CARE SERVICES

##### *National care standards*

#### **5 National care standards**

- (1) The Scottish Ministers shall prepare and publish national care standards applicable to care services; and they shall keep the standards so published under review and shall publish amended such standards whenever they consider it appropriate to do so.
- (2) Before publishing under subsection (1) above any—
  - (a) standards; or
  - (b) amended standards which in the opinion of the Scottish Ministers are substantially different from the standards (or amended standards) last so published,they shall consult such persons, or groups of persons, as they consider appropriate.
- (3) In relation to a care service other than those mentioned in subsection (4) below, the national care standards and the Scottish Social Services Council's codes of practice (that is to say, the codes of practice published by the Council under section 53 of this Act) shall be taken into account—
  - (a) by the Commission in making any decision under this Part;
  - (b) in any proceedings for the making of an order under section 18 of this Act;
  - (c) in any proceedings on an appeal—
    - (i) under section 20(1) of this Act; or
    - (ii) against such an order; and
  - (d) in any proceedings for an offence in relation to registration under this Part.
- (4) In relation to an adoption service mentioned in subsection (11)(a) of section 2 of this Act, a fostering service mentioned in subsection (14)(a) or (c) of that section or any other care service registered under Part 2 of this Act, the national care standards and the codes of practice mentioned in subsection (3) above shall be taken into account—

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*Status: This is the original version (as it was originally enacted).*

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- (a) by the Commission in making any decision under this Part or Part 2 of this Act;
- (b) in any proceedings on an appeal under section 39 of this Act; and
- (c) in any proceedings for an offence in relation to registration under that Part.