



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 3

#### THE COUNCIL

##### *Appeal*

#### **51 Appeal against decision of Council**

[<sup>F1</sup>(A1) Where—

- (a) a person is given notice under subsection (2C) of section 46 of this Act of a decision to grant an application for registration under this Part subject to conditions;
- (b) the person makes such representations as are mentioned in subsection (2E) of that section; and
- (c) the Council confirms the decision,

the person may, within fourteen days after such confirmation is given, appeal to the sheriff against the decision.

(A2) Where—

- (a) a person is given notice under subsection (2C) of section 46 of this Act of a decision to grant an application for registration under this Part subject to conditions; and
- (b) no representations such as are mentioned in subsection (2E) of that section are made,

the person may, within fourteen days after service of the notice, appeal to the sheriff against the decision.

(A3) Where a person is given notice under subsection (2C) of section 46 of this Act of a decision to refuse an application for registration under this Part, the person may, within fourteen days after service of the notice, appeal to the sheriff against the decision.

(A4) Where—

- (a) a person is given notice under section 47(1) of this Act of a decision mentioned in that section;

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*Changes to legislation: There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Appeal. (See end of Document for details)*

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(b) the person makes such representations as are mentioned in section 48(1) of this Act; and

(c) the Council confirms the decision,

the person may, within fourteen days after such confirmation is given, appeal to the sheriff against the decision.

(A5) Where—

(a) a person is given notice under section 47(1) of this Act of a decision mentioned in that section; and

(b) no representations such as are mentioned in section 48(1) of this Act are made, the person may, within fourteen days after service of the notice, appeal to the sheriff against the decision.]

[<sup>F2</sup>(1) A person who—

(a) has been given notice under subsection (2) of section 50 of this Act of a decision mentioned in that subsection; <sup>F3</sup>...

<sup>F4</sup>(b) .....

<sup>F5</sup>(c) .....

may, within fourteen days after [<sup>F6</sup>service of the notice], appeal to the sheriff against the decision.]

(2) On [<sup>F7</sup>an appeal under this section] the sheriff may—

(a) confirm the decision; <sup>F8</sup>...

(b) direct that it shall not have effect <sup>F9</sup>... [<sup>F10</sup>, or

(c) direct that it shall not have effect and make such other order as the sheriff thinks fit].

(3) The sheriff shall also have power, on such an appeal—

(a) to vary any condition which, by virtue of section 46 of this Act, is in force in respect of the person;

(b) to direct that any such condition shall cease to have effect; or

(c) to direct that a condition which the sheriff thinks fit to impose shall have effect in respect of the person.

#### Textual Amendments

**F1** S. 51(A1)-(A5) inserted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 15 para. 9\(a\)](#); S.S.I. 2010/221, art. 3(2), sch.

**F2** S. 51(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **263**

**F3** Word in s. 51(1)(a) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **117(2)** (with reg. 155)

**F4** S. 51(1)(b) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 9 para. 8\(a\)](#) (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

**F5** S. 51(1)(c) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 9 para. 8\(a\)](#) (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

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- F6** Words in s. 51(1) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 9(b)**; S.S.I. 2010/221, art. 3(2), sch.
- F7** Words in s. 51(2) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 9(c)(i)**; S.S.I. 2010/221, art. 3(2), sch.
- F8** Word in s. 51(2) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 9(c)(ii)**; S.S.I. 2010/221, art. 3(2), sch.
- F9** Words in s. 51(2)(b) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 8(b)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 51(2)(c) and word inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 9(c)(iii)**; S.S.I. 2010/221, art. 3(2), sch.

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**Commencement Information**

- I1** S. 51 wholly in force at 1.4.2002, see s. 81(2)-(4) and S.S.I. 2002/162, **art. 2(e)** (subject to arts. 3-13)

**Changes to legislation:**

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