
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 162

**The Regulation of Care (Scotland) Act 2001 (Commencement
No. 2 and Transitional Provisions) Order 2002**

Notices under the 1938 Act

9.—(1) This article applies where—

- (a) a person provides a care service which is—
 - (i) a care home service to which article 4(2)(b) applies; or
 - (ii) an independent health care service to which article 4(4) applies;
- (b) the Health Board with which the person was immediately before the commencement date registered under the 1938 Act has sent that person notice under section 3 of that Act of its intention to make an order cancelling that registration; and
- (c) that order had not come into force before that date.

(2) Where this article applies—

- (a) the 1938 Act shall continue in force for the purpose of determining whether the order referred to in paragraph (1) is to come into force; and
- (b) where the order comes into force and the person's registration is cancelled, registration under the Act by virtue of this Order of the care service to which paragraph (1) applies shall cease to have effect.

(3) Where a person to whom paragraph (1)(a) applies has before the commencement date applied to the Health Board specified in paragraph (1)(b) in writing to vary a condition of registration under section 1(3F) of the 1938 Act and that application has not been determined before that date, the application shall be treated as an application to the Commission for variation of a condition which was made on that date in accordance with the requirements of section 14 of the Act.