



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 3

#### THE COUNCIL

##### *Registration*

#### **48 Right to make representations to Council as respects proposal**

(1) A notice under section 46(2) or 47 of this Act shall state that, within fourteen days after service of the notice, the person to whom it is given may make written representations to the Council concerning any matter which that person wishes to dispute.

[<sup>F1</sup>(2) Where such a notice has been given—

- (a) the Council may not decide to implement the proposal until (whichever first occurs)—
  - (i) where the person to whom the notice was given makes such representations as are mentioned in subsection (1) above, it has considered those representations;
  - (ii) that person notifies the Council in writing that such representations will not be made;
  - (iii) the period of fourteen days mentioned in that subsection elapses without such representations being made and without the Council receiving such notification; and
- (b) where the circumstances are as mentioned in paragraph (a)(ii) or (iii) above, the Council shall implement the proposal unless it appears to it that it would be inappropriate to do so.]

#### **Textual Amendments**

- F1** S. 48(2) substituted (17.10.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [ss. 30\(4\), 43\(3\)](#); [S.S.I. 2005/492](#), [art. 3\(a\)](#), [sch. 1](#)

#### **Commencement Information**

- I1** S. 48 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](#))

**Status:**

Point in time view as at 17/10/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Section 48.