
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 2(1)(k) and (16) of the [Regulation of Care \(Scotland\) Act 2001 \(2001 asp 8\)](#) (“the Act”) on 20th June 2006 (article 2). Section 2(16) of the Act contains the definition of “adult placement service” and section 2(1)(k) of the Act provides that an adult placement service is a care service within the meaning of the Act.

The Order also makes transitional provisions. Persons providing an adult placement service immediately before 20th June 2006 are deemed to have registered the service under Part 1 of the Act (article 3(1)). Article 3(2) provides that, subject to article 3(3), the deemed registration will cease—

- where the person providing the service has applied before 19th March 2007 for registration under the Act, on 19th December 2007; and
- in any other case, on 19th March 2007.

Article 3(3) provides that the deemed registration will cease before those dates if and when any of the following circumstances first occurs—

- where an application for registration of the service is made and the Commission grants the application, on the date on which it does so.
- where an application for registration of the service is made but the Commission decides to refuse the application and—
 - no appeal is made under section 20(1) of the Act (appeal against decision to implement a proposal) against the decision, the fifteenth day after the day on which notice of the decision is given under section 17(3) of the Act (notice of decision to implement a proposal in relation to which it has given a person a condition notice or a notice under section 15 of the Act);
 - such an appeal is made timeously and the sheriff confirms the decision, the day on which the sheriff does so; or
 - such an appeal is made timeously but is abandoned, the day on which abandonment of the appeal is intimated to the sheriff clerk, or if abandonment is not so intimated the day on which the sheriff deems the appeal to have been abandoned.
- where the Commission decides (other than in accordance with an application under section 14(1)(b) of the Act (application for cancellation of the registration)) to cancel the registration of the service effected by virtue of article 3(1) of the Order and—
 - no appeal is made under section 20(1) of the Act against the decision, the fifteenth day after the day on which notice of the decision is given under section 17(3) of the Act;
 - such an appeal is made timeously and the sheriff confirms the decision, the day on which the sheriff does so; or
 - such an appeal is made timeously but is abandoned, the day on which abandonment of the appeal is intimated to the sheriff clerk, or if abandonment is not so intimated the day on which the sheriff deems the appeal to have been abandoned.
- where the sheriff grants an application by the Commission under section 18 of the Act (urgent procedures for cancellation of registration, etc.) for cancellation of the registration of the service effected by virtue of article 3(1) of the Order, the day on which the sheriff does so.
- on the day on which the person ceases to provide the service.