
WELSH STATUTORY INSTRUMENTS

2017 No. 961 (W. 244)

SOCIAL CARE, WALES

**The Regulated Services (Notifications)
(Wales) Regulations 2017**

Made - - - - 27 September 2017
*Laid before the National
Assembly for Wales* - - 3 October 2017
Coming into force - - 2 April 2018

The Welsh Ministers, in exercise of the powers conferred by sections 39(1)(g), 39(2) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (1), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Regulated Services (Notifications) (Wales) Regulations 2017 and they come into force on 2 April 2018.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“the tribunal” (“*y tribiwnlys*”) has the same meaning as in section 189 of the Act.

Information to be contained in all notifications under section 39(1) of the Act

3. A notification under section 39(1) of the Act must contain—

- (a) the name of the service provider;
- (b) the name and type of regulated service to which the notification relates;
- (c) the place or places to which the notification relates;
- (d) the date on which the notification is sent; and
- (e) the paragraph of section 39(1) of the Act or of regulation 10 under which the notification is sent.

Information to be contained in a notification under section 39(1)(a) of the Act

4. A notification under section 39(1)(a) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date that the cancellation of the registration of the service provider took effect; and
- (b) either—
 - (i) where a notification relates to a decision to cancel made by the Welsh Ministers following a notice of improvement given under section 16 of the Act, the ground for cancellation; or
 - (ii) where a notification relates to a cancellation following an application made under section 14 of the Act, the reason given by the service provider for cancellation of the registration.

Information to be contained in a notification under section 39(1)(b) of the Act

5. A notification under section 39(1)(b) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date that the variation of the registration of the service provider took effect; and
- (b) either—
 - (i) where a notification relates to a decision to vary the registration of a service provider made by the Welsh Ministers following a notice of improvement given under section 16 of the Act, the ground for variation; or
 - (ii) where a notification relates to a variation of the registration of a service provider following an application made under section 11 of the Act, the reason given by the service provider for the variation.

Information to be contained in a notification under section 39(1)(c) of the Act

6. A notification under section 39(1)(c) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date on which the order was made; and
- (b) the date on which the order took or will take effect, if different.

Information to be contained in a notification under section 39(1)(d) of the Act

7. A notification under section 39(1)(d) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the responsible individual whose designation has been cancelled;
- (b) the ground upon which the designation has been cancelled; and
- (c) the date upon which the cancellation took effect, if different.

Information to be contained in a notification under section 39(1)(e) of the Act

8. A notification under section 39(1)(e) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the person against whom proceedings have been brought;
- (b) the date on which proceedings were commenced;
- (c) the offence under Part 1 of the Act (or prescribed in regulations made under it) which it is alleged has been committed; and

- (d) the date of the first court hearing, if known.

Information to be contained in a notification under section 39(1)(f) of the Act

9. A notification under section 39(1)(f) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the person who has been given a penalty notice;
- (b) the date on which the penalty notice was issued; and
- (c) the offence which the Welsh Ministers are satisfied has been committed.

Notification of prescribed things under section 39(1)(g) of the Act

10. The things prescribed for the purpose of section 39(1)(g) of the Act are—

- (a) an appeal by the service provider to the tribunal against—
 - (i) the cancellation of the registration of the service provider;
 - (ii) the variation of the registration of a service provider by removing a regulated service or a place at, from or in relation to which the service provider is providing a regulated service;
 - (iii) the making of an order by a justice of the peace under section 23 of the Act; or
 - (iv) the cancellation of a designation of a responsible individual under section 22 of the Act;
- (b) the decision of the tribunal in respect of any appeal made to it by a service provider in respect of the circumstances set out in paragraph (a);
- (c) where proceedings have been brought against a person in respect of an offence under Part 1 of the Act (or prescribed in regulations made under it)—
 - (i) the withdrawal of proceedings;
 - (ii) the decision of the court in the proceedings;
 - (iii) an appeal against the decision of the court; and
 - (iv) the outcome of the appeal.

Rebecca Evans
Minister for Social Services and Public Health
under authority of the Cabinet Secretary for
Health, Well-being and Sport, one of the Welsh
Ministers

27 September 2017

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 39(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) makes provision about the circumstances under which the Welsh Ministers are required to notify each local authority when certain regulatory decisions are made in respect of the registration of a service provider.

Section 39(1)(g) of the Act empowers the Welsh Ministers to prescribe further circumstances under which the duty to notify local authorities will apply.

Section 39(2) of the Act empowers the Welsh Ministers to make regulations about any further information that is required to be contained in such notifications.

Regulation 3 sets out the information that is required to be contained in all notifications made under section 39(1). Regulation 4 sets out the additional information that is required to be contained in a notification about the cancellation of the registration of a service provider. Regulation 5 sets out the additional information that is required to be contained in a notification about the variation of the registration of a service provider by removing from the registration a regulated service or a place at, from or in relation to which the provider is providing a regulated service. Regulation 6 sets out the additional information that is required to be contained in a notification about the making of an order by a justice of the peace under section 23 of the Act (urgent cancellation or variation by removing a service or place). Regulation 7 sets out the additional information that is required to be contained in a notification about the cancellation of a designation of a responsible individual under section 22 of the Act. Regulation 8 sets out the additional information that is required to be contained in a notification about proceedings brought against a person in respect of an offence under Part 1 of the Act or regulations made under it. Regulation 9 sets out the additional information that is required to be contained in a notification about a penalty notice given under section 52 of the Act.

Regulation 10 sets out the further things prescribed for the purposes of section 39(1)(g) of the Act. Provision is made about appeals made by a service provider in respect of the things set out in section 39(1)(a) to (d) and the outcome of any appeal. Provision is also made about the outcome of proceedings for offences brought by the Welsh Ministers under Part 1 of the Act (or prescribed in regulations made under it).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.