



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 4

### SOCIAL CARE WORKERS

*Registration in the social worker part or an added part of the register*

#### **82 Application for registration**

- (1) An application for registration in the social worker part or an added part of the register is to be made to the registrar.
- (2) An application under subsection (1) must specify each part of the register in which registration is sought.

#### **Commencement Information**

**II** S. 82 in force at 3.4.2017 by [S.I. 2017/309](#), **art. 2(c)** (with arts. 3, 4, Sch.)

#### **83 Registration**

- (1) The registrar must grant an application made under section 82 if satisfied that—
  - (a) the application is made in the form and manner specified in rules made by SCW,
  - (b) the applicant has paid the fee (if any) specified in rules made by SCW under section 74, and
  - (c) the applicant meets the registration requirements.
- (2) The registration requirements are that—
  - (a) the person is appropriately qualified (see section 84),

*Status: Point in time view as at 25/03/2020.*

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- (b) the person's fitness to practise is not impaired on one or more of the grounds in section 117(1), and
  - (c) the person intends to practise the work of persons registered in the part of the register to which the application relates.
- (3) For the purposes of subsection (2)(c) SCW may by rules specify—
- (a) activities that are to be regarded as practising the work of persons registered in a part of the register;
  - (b) the criteria to be applied by the registrar for determining whether a person intends to practise.

**Commencement Information**

**I2** S. 83 in force at 3.4.2017 by [S.I. 2017/309](#), [art. 2\(c\)](#) (with [arts. 3, 4](#), [Sch.](#))

**[<sup>F1</sup>83A Temporary registration in emergencies involving loss of human life or human illness etc**

- (1) The registrar may register a person as a social worker in the social worker part of the register, or the persons comprising a specified group of persons as social workers in that part, if—
- (a) the Welsh Ministers have advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this section, and
  - (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (2) For the purposes of subsection (1)(b) the emergency registration requirement is met—
- (a) in relation to a person, if the registrar considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
  - (b) in relation to a group of persons, if the registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.
- (3) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (4) The registrar may include an annotation in the social worker part of the register denoting that a person has been registered under this section.
- (5) The registration of a person under this section has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.
- (7) A person's registration under this section ceases to have effect if revoked by the registrar; and the registrar—

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- (a) must revoke the registration if the Welsh Ministers advise the registrar that the circumstances that led the Welsh Ministers to give the advice referred to in subsection (1)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the registrar suspects that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without the registration of the other members of the group being revoked, or
  - (b) as a result of a decision to revoke the registration of all the members of the group.
- (9) If a person's registration under this section is revoked under subsection (7)(a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.
- (10) If a person's registration under this section is revoked under subsection (7)(b), the registration ceases to have effect immediately.
- (11) Rules under section 74 may not provide for fees to be charged in respect of a person's registration under this section.
- (12) The following provisions do not apply to persons registered under this section—
- (a) sections 82, 83, 84, 86, 87, 89, 94 and 95 (provisions relating to registration) of this Act;
  - (b) sections 113 to 115 (continuing professional development) of this Act and rules made under any of those sections;
  - (c) Part 6 (social care workers: fitness to practise) of this Act, other than section 160(1) and (3) to (5).
- (13) If a person breaches a condition to which the person's registration under this section is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered in the social worker part of the register.
- (14) In this section “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.]

#### Textual Amendments

- F1** S. 83A inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 5 para. 2(2)** (with [ss. 89, 90](#)) (subject to expiry in accordance with [s. 89\(1\)\(2\)\(d\)](#) of the modifying Act)

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