



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 11

FINAL PROVISIONS

187 Regulations under this Act

- (1) A power to make regulations under this Act—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes, for different cases and for different areas.
- (2) A statutory instrument containing regulations made under any of the following provisions of this Act may not be made unless a draft of the instrument containing the regulations has been laid before and approved by resolution of the National Assembly for Wales—
 - (a) section 2(1)(i) (regulations specifying other care and support services as regulated services);
 - (b) section 2(3) (regulations prescribing things not to be treated as regulated services);
 - (c) section 3(3) (regulations prescribing things not to be treated as care and support);
 - (d) section 9(9) (regulations varying the evidence to be taken into account when determining whether a person is fit and proper);
 - (e) section 11(2) (regulations prescribing a time limit within which an application to designate a replacement responsible individual must be made);
 - (f) section 27(1) (regulations imposing requirements on service providers);
 - (g) section 28(1) (regulations imposing requirements on responsible individuals);
 - (h) section 37(1) (regulations about inspection ratings);
 - (i) section 40(1) (regulations about charging fees);

Status: This is the original version (as it was originally enacted).

- (j) section 45 (regulations creating offences for failure to comply with requirements imposed on service providers);
 - (k) section 46 (regulations creating offences for failure to comply with requirements imposed on responsible individuals);
 - (l) sections 59(1) and (4) and 61(6) and (9) (regulations about the market oversight regime);
 - (m) section 79(2) (regulations prescribing descriptions of persons to be treated as social care workers);
 - (n) section 80(1)(b) (regulations prescribing descriptions of social care worker in respect of whom SCW must keep a register);
 - (o) section 111(2) (regulations prescribing protected titles for social care workers other than social workers);
 - (p) section 117 (amending the grounds on which a registered person's fitness to practise may be regarded as impaired);
 - (q) section 130 (arrangements for mediation);
 - (r) section 136(2)(d) (persons to whom undertakings may be disclosed by SCW);
 - (s) section 142 (amending the ways in which a fitness to practise panel may dispose of matters);
 - (t) section 165 (designation of regulated activities etc. for the purposes of prohibition orders under Part 7);
 - (u) section 171(3) (creation of offences in relation to employment or appointment of persons subject to prohibition orders etc.);
 - (v) section 177(1)(h) (regulations prescribing other persons as relevant authorities for the purposes of Part 9);
 - (w) paragraph 7 of Schedule 1 (regulations specifying certain services as regulated advocacy services).
- (3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) This section does not apply to regulations made under section 186.