
WELSH STATUTORY INSTRUMENTS

2004 No. 1756

The Adult Placement Schemes (Wales) Regulations 2004

**PART V —
MISCELLANEOUS**

Offences

32.—(1) A contravention or failure to comply with regulations 4 to 31 is an offence.

(2) The National Assembly may bring proceedings against a person who once was, but is no longer, a registered person in respect of a scheme in respect of a failure to comply with regulation 20 (records) after he or she ceases to be the registered person, and for this purpose references in that regulation to the registered person shall be taken to include such a person.

Specification of appropriate offices

33. The National Assembly may specify an office controlled by it as the appropriate office in relation to the principal office of a scheme which is situated in a particular area of Wales.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

34.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) —

- (a) in the definition of “the Act”, add at the end —
“or that Act as applied by the Adult Placement Schemes (Wales) Regulations 2004(2)”
- (b) at the appropriate place, insert —
““adult placement scheme” has the same meaning as in the Adult Placement Schemes (Wales) Regulations 2004”;
- (c) in the definition of “appropriate office of the National Assembly”, after paragraph (h) insert —
 - “(i) in relation to an adult placement scheme —
 - (i) if an office has been specified under regulation 33 of the Adult Placement Schemes (Wales) Regulations 2004 for the area in which the principal office of the scheme is situated, that office;
 - (ii) in any other case, any office of the National Assembly.”;
- (d) in the definition of “statement of purpose” insert —

- “(j) in relation to an adult placement scheme, the written statement to be compiled in accordance with regulation 4 of the Adult Placement Schemes (Wales) Regulations 2004;”.
- (3) In regulation 2(3), add —
- “(d) to an agency includes a reference to an adult placement scheme and accordingly in relation to a scheme—
- (i) reference to a registered provider carrying on an agency includes reference to a registered provider providing an adult placement scheme;
 - (ii) reference to a registered manager managing an agency includes reference to a registered manager managing an adult placement scheme;
 - (iii) reference to a registered person in respect of an agency includes a registered person in respect of an adult placement scheme;
 - (iv) reference to a responsible individual includes an individual who is a director, manager, secretary or other officer of an organisation and is responsible for the management of an adult placement scheme; and
 - (v) reference to a service user includes reference to an adult who is placed under an adult placement scheme.”.

Amendment of the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002

35.—(1) The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(3) are amended in accordance with the following provisions of this regulation.

- (2) In the paragraph headed “Arrangement of Regulations”, add the following at the end—
- “**16.** Annual Fee — adult placement schemes”.
- (3) In regulation 2(1) —
- (a) in the definition of “the Act”, add at the end —
“or that Act as applied by the Adult Placement Schemes (Wales) Regulations 2004”(4);”
 - (b) at the appropriate place, insert —
““adult placement scheme” has the same meaning as in the Adult Placement Schemes (Wales) Regulations 2004”;
- (4) In regulation 2(3), add —
- “(d) to an agency includes a reference to an adult placement scheme and accordingly in relation to a scheme —
- (i) reference to a registered provider carrying on an agency includes reference to a registered provider providing an adult placement scheme; and
 - (ii) reference to a registered manager managing an agency includes reference to a registered manager managing an adult placement scheme; and
 - (iii) reference to a service user includes reference to an adult who is placed under an adult placement scheme.”.
- (5) In regulation 3, after paragraph (3D) insert —

(3) S.I. 2002/921 (W.109) as amended by S.I. 2003/237 (W.35), 2003/710 (W.86), 2003/781 (W.92), 2003/2527 (W.242) and 2004/219 (W.23).

(4) S.I. 2004/1756 (W.188)

“(3E) In the case of an application by a person seeking to be registered as a person who provides an adult placement scheme, the registration fee is £1,100.

(3F) In the case of an application by a person seeking to be registered as a person who manages an adult placement scheme, the registration fee is £300.”.

(6) After regulation 15 (Annual fee — domiciliary care agencies), insert the following regulation —

“Annual fee — adult placement schemes

16.—(1) The annual fee in respect of an adult placement scheme is £750.

(2) The annual fee in respect of an adult placement scheme is to be payable by the registered provider on the first and subsequent anniversaries of the date on which his or her certificate of registration is issued.”.

Transitional provisions

36.—(1) This regulation applies to persons who by virtue of the provisions of the Act and these Regulations are required to be registered under the Act but who immediately before 1 August 2004 were not required to be so registered.

(2) Notwithstanding any such provision, a person who immediately before 1 August 2004 was providing or managing an adult placement scheme may continue to provide or manage the scheme without being registered under the Act —

- (a) during the period of 3 months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation “finally disposed of” means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Amendment of the Care Homes (Wales) Regulations 2002

37.—(1) The Care Homes (Wales) Regulations 2002(5) are amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1), add —

“(h) all the persons who are accommodated in the home are the subject of adult placement agreements which comply with the provisions of the Adult Placement Schemes (Wales) Regulations 2004(6) or, where regulations made in England apply to an adult placement agreement, with the provisions of those regulations.”.

Amendment of the Domiciliary Care Agencies (Wales) Regulations 2004

38.—(1) In regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004(7), add —

“(d) in so far as it arranges for the personal care of persons who are accommodated under adult placement agreements which comply with the Adult Placement Schemes (Wales) Regulations 2004(8), or, where regulations made in relation to England apply to an adult placement agreement, with the provisions of those regulations.”.

(5) S.I. 2002/324 (W.37).

(6) 2004/1756 (W.188).

(7) 2004/ 219 (W.23).

(8) 2004/1756 (W.188).

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