

Draft Regulations laid before Parliament under section 38(3) of the National Health Service Reform and Health Care Professions Act 2002, section 65(4B) of the Mental Capacity Act 2005, section 208(2), (4), (5)(f) and (8) of the Equality Act 2010, and section 68(2) and (3) of the Children and Social Work Act 2017, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

**SOCIAL WORK, ENGLAND
HEALTH CARE AND ASSOCIATED
PROFESSIONS, ENGLAND
MENTAL CAPACITY, ENGLAND
MENTAL HEALTH, ENGLAND
PROFESSIONAL QUALIFICATIONS, ENGLAND**

The Social Workers Regulations 2018

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by: section 29(2A) of the National Health Service Reform and Health Care Professions Act 2002(1); paragraphs 129(3) and 130 of Schedule A1 to the Mental Capacity Act 2005(2); sections 151(1) and 153(1) of the Equality Act 2010(3); and sections 38, 39(3) and (4)(a) and (c) to (m), 40, 43(3) to (6), 44(3) to (5), 45, 48, 50(1)(a) and (c) and (4) to (7), 52(2), 53(1)(d), 55(2) and (3), 57(1) to (3), 66(1) and (2), and 67(2) of the Children and Social Work Act 2017(4).

In accordance with section 58(1) of the Children and Social Work Act 2017, the Secretary of State has carried out a public consultation.

In accordance with sections 152(1) and 153(4) of the Equality Act 2010, the Secretary of State has consulted the Commission for Equality and Human Rights. In accordance with section 151(8) of that Act, the Secretary of State considers that the extension of the application of section 149 of that Act relates to persons by whom a public function is exercisable.

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- (1) 2002 c. 17. Subsection (2A) was inserted by paragraph 15(2) of Schedule 4 to the Children and Social Work Act 2017 (c. 16) (“the Act”).
- (2) 2005 c. 9. Schedule A1 was inserted by section 50(5) of, and Schedule 7 to, the Mental Health Act 2007 (c. 12), and paragraph 130 was amended by section 49 of the Act.
- (3) 2010 c. 15.
- (4) 2017 c. 16.

In accordance with section 38(3) of the National Health Service Reform and Health Care Professions Act 2002⁽⁵⁾, section 65(4B) of the Mental Capacity Act 2005⁽⁶⁾, section 208(2), (4), (5)(f) and (8) of the Equality Act 2010, and section 68(2) of the Children and Social Work Act 2017, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

(5) Section 38(3) was amended by paragraph 1 of Schedule 4 to the National Health Service (Consequential Provisions) Act 2006 (c. 43) and by paragraph 16(3) of Schedule 4 to the Act. There are other amendments but none is relevant.

(6) Section 65(4B) was inserted by paragraph 11(2) of Schedule 9 to the Mental Health Act 2007.