



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART V **E+W**

#### THE CHILDREN'S COMMISSIONER FOR WALES

#### 78 Interpretation. **E+W**

- (1) This Part applies to a child—
- (a) who is ordinarily resident in Wales;
  - (b) to or in respect of whom services are provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
  - (c) to or in respect of whom regulated children's services in Wales are provided.

(1A) Regulations may provide that, for the purposes of this Part of this Act, "child" includes a person aged 18 or over who falls within subsection (1B).

[<sup>F1</sup>(1B) A person falls within this subsection if the person is a category 3, 4, 5 or 6 young person, within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014, in respect of whom services are provided in Wales by, or on behalf of, or under arrangements with, a county council or county borough council in Wales.]

- (2) In this Part, "regulated children's services in Wales" means any of the following services for the time being provided in respect of children—

(a) services of a description provided by or in Part II undertakings, so far as provided in Wales;

[<sup>F2</sup>(aa) regulated services within the meaning of section 2 of the 2016 Act;]

(b) services provided by local authorities in Wales in the exercise of relevant adoption functions or relevant fostering functions;

(c) services of a description provided by persons registered under Part XA of the 1989 Act, so far as provided in Wales;

(d) accommodation provided by schools or by an institution within the further education sector (as defined in section 91 of the <sup>M1</sup>Further and Higher Education Act 1992), so far as provided in Wales.

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*Changes to legislation: Care Standards Act 2000, Section 78 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (3) For the purposes of this Part—
- (a) in the case of the services mentioned in subsection (2)(a), the person who carries on the Part II undertaking is to be treated as the provider of the services;
  - [<sup>F3</sup>(aa) in the case of the services mentioned in subsection (2)(aa), the person registered under section 7 of the 2016 Act in respect of the regulated service is to be treated as the provider of the services;]
  - (b) in the case of the services mentioned in subsection (2)(d), the relevant person (as defined in section 87 of the 1989 Act) is to be treated as the provider of the services.
- (4) For the purposes of this section, an establishment or agency, and an undertaking of any other description, is a Part II undertaking if the provider of the services in question is for the time being required to be registered under that Part.
- (5) Where the activities of an undertaking are carried on from two or more branches, each of those branches shall be treated as a separate undertaking for the purposes of this Part.
- [<sup>F4</sup>(5A) In the case of services mentioned in subsection (2)(aa), where a service is provided at, from or in relation to two or more places, the service is to be treated as a separate service in relation to each place where it is provided at, from or in relation to for the purposes of this Part.]
- [<sup>F5</sup>(6) Regulations may provide for the references to a child in subsection (1) to include references to a person (including a child) who was at any time (including a time before the commencement of this Part)—
- (a) a child ordinarily resident in Wales;
  - (b) a child to or in respect of whom services were provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
  - (c) a child to or in respect of whom regulated children’s services in Wales were provided.]
- (7) In this Part—
- “information” includes information recorded in any form;
  - “regulations” means regulations made by the [<sup>F6</sup>Welsh Ministers].
- [<sup>F7</sup>(8) In this section—
- “the 2016 Act” means the Regulation and Inspection of Social Care (Wales) Act 2016;
  - “relevant adoption functions” means the functions of local authorities in Wales under the Adoption and Children Act 2002 of making or participating in arrangements for the adoption of children or the provision of adoption support services (as defined in section 2(6) of that Act);
  - “relevant fostering functions” means the functions of local authorities in Wales under section 81 of the Social Services and Well-being (Wales) Act 2014 or regulations made under or by virtue of any of sections 87, 92(1)(a), (b), (d) or (e) or 93 of that Act in connection with placements with local authority foster parents.]

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### Textual Amendments

- F1** S. 78(1B) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **174**
- F2** S. 78(2)(aa) inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **13(a)**
- F3** S. 78(3)(aa) inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **13(b)**
- F4** S. 78(5A) inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **13(c)**
- F5** S. 78(6) substituted (26.8.2001 for W.) by 2001 c. 18, s. **1(3)**; S.I. 2001/2783, **art. 2(2)(a)**
- F6** S. 78(7): words in definition of "regulations" substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 73**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)
- F7** S. 78(8) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **13(d)**

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### Commencement Information

- I1** S. 78 in force for W. at 26.8.2001 by S.I. 2001/2782, **art. 2(1)(2)(i)**

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### Marginal Citations

- M1** 1992 c. 13.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)