

Status: Point in time view as at 01/04/2009. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Paragraph 19. (See end of Document for details)

SCHEDULES

SCHEDULE 5

FURTHER AMENDMENTS RELATING TO PART 1

PART 1

AMENDMENTS OF CARE STANDARDS ACT 2000

VALID FROM 01/10/2010

19 After section 20 of the 2000 Act insert—

“20A Urgent procedure for cancellation: Wales

- (1) If in respect of an establishment or agency for which the Welsh Ministers are the registration authority—
 - (a) the Welsh Ministers apply to a justice of the peace for an order cancelling the registration of a person in respect of the establishment or agency, and
 - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,the justice may make the order, and the cancellation has effect from the time when the order is made.
- (2) An application under subsection (1) may, if the justice thinks fit, be made without notice.
- (3) As soon as practicable after the making of an application under this section, the Welsh Ministers must notify the appropriate authorities of the making of the application.
- (4) An order under subsection (1) is to be in writing.
- (5) Where such an order is made, the Welsh Ministers must, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—
 - (a) a copy of the order, and
 - (b) notice of the right of appeal conferred by section 21.
- (6) For the purposes of this section the appropriate authorities are—
 - (a) the local authority in whose area the establishment or agency is situated,
 - (b) the Local Health Board in whose area the establishment or agency is situated, and

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- (c) any statutory authority not falling within paragraph (a) or (b) whom the Welsh Ministers think it appropriate to notify.

(7) In this section “statutory authority” has the same meaning as in section 20.

20B Urgent procedure for suspension or variation etc: Wales

- (1) Subsection (2) applies where—
 - (a) a person is registered under this Part in respect of an establishment or agency for which the Welsh Ministers are the registration authority, and
 - (b) the Welsh Ministers have reasonable cause to believe that unless they act under this section any person will or may be exposed to the risk of harm.
- (2) Where this subsection applies, the Welsh Ministers may, by giving notice in writing under this section to the person registered in respect of the establishment or agency, provide for any decision of the Welsh Ministers that is mentioned in subsection (3) to take effect from the time when the notice is given.
- (3) Those decisions are—
 - (a) a decision under section 13(5) to vary or remove a condition for the time being in force in relation to the registration or to impose an additional condition;
 - (b) a decision under section 14A to suspend the registration or extend the period of suspension.
- (4) The notice must—
 - (a) state that it is given under this section,
 - (b) state the Welsh Ministers' reasons for believing that the circumstances fall within subsection (1)(b),
 - (c) specify the condition as varied, removed or imposed or the period (or extended period) of suspension, and
 - (d) explain the right of appeal conferred by section 21.”

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