

Status: Point in time view as at 01/10/2014.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 124

[^{F1}REGULATION OF SOCIAL CARE WORKERS: WALES]

Textual Amendments

- F1** Sch. 9 heading substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(8); S.I. 2012/1319, art. 2(4)

Interpretation

- 1 In this Schedule—
- “functions” includes powers and duties;
 - “regulations” means regulations under section 124;
 - [^{F2}“the Council” means the Care Council for Wales.]

Textual Amendments

- F2** Words in Sch. 9 para. 1 substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(2); S.I. 2012/1319, art. 2(4)

Commencement Information

- I1** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

Matters generally within the scope of regulations

- 2 Regulations may make provision for the following matters (among others)—
- (a) the functions of [^{F3}the Council];
 - (b) the keeping of registers of social care workers of any description;
 - (c) education and training;
 - (d) privileges of registered persons;
 - (e) standards of conduct and performance (including standards of conduct and performance of social care workers carrying out the functions of an approved mental health professional within the meaning of section 114 of the Mental Health Act 1983 (c. 20));
 - (f) discipline;
 - (g) removal or suspension from registration or the imposition of conditions on registration;
 - (h) investigation and enforcement by or on behalf of [^{F4}the Council];
 - (i) appeals;

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- (j) codes of practice or guidance for persons employing or seeking to employ social care workers.

Textual Amendments

- F3** Words in Sch. 9 para. 2(a) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 49\(3\)](#); S.I. 2012/1319, art. 2(4)
- F4** Words in Sch. 9 para. 2(h) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 49\(3\)](#); S.I. 2012/1319, art. 2(4)

Commencement Information

- I2** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

Manner of exercise of power

- 3 The power to make regulations may be exercised by amending or repealing any provision (other than section 55) of the Care Standards Act 2000 (c. 14) and any other enactment and any other instrument or document.

Commencement Information

- I3** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

- 4 The power may be exercised so as to make provision for the delegation of functions, including provision conferring power to make, confirm or approve subordinate legislation.

Commencement Information

- I4** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

- 5 The power may be exercised so as to make provision—
- (a) for the charging of fees, and
 - (b) for the making of payments by [^{F5}the Council].

Textual Amendments

- F5** Words in Sch. 9 para. 5(b) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 49\(4\)](#); S.I. 2012/1319, art. 2(4)

Commencement Information

- I5** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

- 6 The power may be exercised so as to—
- (a) confer functions (including power to pay grants) on ^{F6}... the Welsh Ministers, or
 - (b) modify their functions.

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Textual Amendments

F6 Words in Sch. 9 para. 6(a) omitted (1.8.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(5); S.I. 2012/1319, art. 2(4)

Commencement Information

I6 Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

7 The power may not be exercised so as to create any criminal offence, except an offence punishable on summary conviction with a fine not exceeding the amount specified as level 5 on the standard scale.

Commencement Information

I7 Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

Matters outside the scope of regulations

- 8 (1) Regulations may not abolish ^{F7}... the Care Council for Wales.
- (2) Where the Care Standards Act 2000 provides for any function mentioned in subparagraph (3) to be exercised by [^{F8}the Council] or any of its committees or officers, regulations may not provide for any person other than [^{F9}the Council] or any of its committees or officers to exercise that function.
- (3) Those functions are—
- (a) keeping the register of social care workers of any description,
 - (b) determining standards of education and training required as a condition of registration,
 - (c) giving advice about standards of conduct and performance, and
 - (d) administering procedures (including making rules) relating to misconduct, removal from registration and similar matters.

Textual Amendments

F7 Words in Sch. 9 para. 8(1) omitted (1.8.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(6)(a); S.I. 2012/1319, art. 2(4)

F8 Words in Sch. 9 para. 8(2) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(6)(b); S.I. 2012/1319, art. 2(4)

F9 Words in Sch. 9 para. 8(2) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 49(6)(c); S.I. 2012/1319, art. 2(4)

Commencement Information

I8 Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

Preliminary procedure for making regulations: England

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Textual Amendments

- F10** Sch. 9 para. 9 omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 49\(7\)](#); S.I. 2012/1319, art. 2(4)

Preliminary procedure for making regulations: Wales

- 10 (1) If the Welsh Ministers propose to lay a draft of regulations before the National Assembly for Wales, the Welsh Ministers must first—
- (a) publish a draft of the regulations, and
 - (b) invite representations to be made to the Welsh Ministers about the draft by—
 - (i) persons appearing to the Welsh Ministers appropriate to represent social care workers affected by the regulations,
 - (ii) persons appearing to the Welsh Ministers appropriate to represent those provided with services by such social care workers, and
 - (iii) any other persons appearing to the Welsh Ministers appropriate to consult about the draft.
- (2) After the end of the period of 3 months beginning with the publication of the draft, the Welsh Ministers may lay the draft as published, or that draft with any modifications they consider appropriate, together with a report about the consultation, before the National Assembly for Wales.

Commencement Information

- I9** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

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