
WELSH STATUTORY INSTRUMENTS

2002 No. 325

Private and Voluntary Health Care (Wales) Regulations 2002

PART III

CONDUCT OF HEALTH CARE ESTABLISHMENTS

CHAPTER 4

NOTICES TO BE GIVEN TO THE NATIONAL ASSEMBLY

Notification of events

27.—(1) The registered person shall give notice to the appropriate office of the National Assembly of—

- (a) the death of a patient—
 - (i) in an establishment;
 - (ii) during treatment provided in or for the purposes of an establishment; or
 - (iii) as a consequence of treatment provided in or for the purposes of an establishment, within the period of seven days ending on the date of death;and the circumstances of the patient's death;
- (b) any serious injury to a patient;
- (c) the outbreak in an establishment of any infectious disease, which in the opinion of any medical practitioner employed in the establishment is sufficiently serious to be so notified;
- (d) any allegation of misconduct resulting in actual or potential harm to a patient by the registered person, any person employed in or for the purposes of the establishment, or any medical practitioner with practising privileges.

(2) Notice under paragraph (1) shall be given within the period of 24 hours beginning with the event in question and, if given orally, shall be confirmed in writing as soon as practicable.

Notice of absence

28.—(1) Where—

- (a) a registered provider in respect of whom a notification has been given under regulation 10(3); or
- (b) a registered manager,

proposes to be absent from the establishment for a continuous period of 28 days or more, the registered person shall give notice in writing to the appropriate office of the National Assembly of the absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the National Assembly and the notice shall specify with respect to the absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the establishment;
- (d) the name, address and qualifications of the person who will be responsible for the establishment during that absence; and
- (e) the arrangements that have been or are proposed to be made for appointing another person to manage the establishment during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of the emergency's occurrence specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) a registered provider in respect of whom a notification has been given under regulation 10(3); or
- (b) a registered manager,

has been absent from the establishment for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person shall, without delay, give notice in writing to that office, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the appropriate office of the National Assembly of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of that person's return.

Notice of changes

29. The registered person shall give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events take place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the establishment;
- (b) a person ceases to carry on or manage the establishment;
- (c) where the registered person is an individual, he or she changes his or her name;
- (d) where the registered is an individual, that individual changes his or her name;
- (e) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (f) there is any change in the identity of the responsible individual;
- (g) Where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors;
- (h) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (i) the premises of the establishment are significantly altered or extended, or additional premises are acquired.

Appointment of liquidators etc.

- 30.**—(1) Any person to whom paragraph (2) applies shall—
- (a) forthwith notify the appropriate office of the National Assembly of the person’s appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day to day charge of the establishment in any case where the duty under regulation 10(1) is not being met; and
 - (c) before the end of the period of 28 days beginning on the date of the person’s appointment, notify the appropriate office of the National Assembly of the person’s intentions regarding the future operation of the establishment to which the appointment relates.
- (2) This paragraph applies to any person appointed as—
- (a) the receiver or manager of the property of a company or partnership which is a registered provider of an establishment;
 - (b) a liquidator or provisional liquidator of a company which is the registered provider of an establishment;
 - (c) the receiver or manager of the property of a partnership whose business includes carrying on an establishment;
 - (d) the trustee in bankruptcy of a registered provider of an establishment.

Death of registered person

- 31.**—(1) If more than one person is registered in respect of an establishment, and a registered person dies, the surviving registered person shall without delay notify the appropriate office of the National Assembly of the death in writing.
- (2) If only one person is registered in respect of an establishment, and the person dies, the person’s personal representatives shall notify the appropriate office of the National Assembly in writing—
- (a) without delay of the death; and
 - (b) within 28 days of their intentions regarding the future running of the establishment.
- (3) The personal representatives of the deceased registered provider may carry on the establishment without being registered in respect of it
- (a) for a period not exceeding 28 days; and
 - (b) for any further period as may be determined by the National Assembly in accordance with paragraph (4).
- (4) The National Assembly may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the National Assembly shall determine, and shall notify any such determination to the personal representatives in writing.
- (5) The personal representatives shall appoint a person to take full-time day to day charge of the establishment during any period in which, in accordance with paragraph (3), they carry on the establishment without being registered in respect of it.