
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 6 and 11 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and apply in relation to Wales.

Section 6(1) of the Act sets out the information that must be contained in an application for registration as a service provider of a regulated service. “Regulated service” is defined in section 2 of the Act as a care home service; a secure accommodation service; a residential family centre service; an adoption service; a fostering service; an adult placement service; an advocacy service or a domiciliary support service.

Section 6(1)(d) of the Act enables the Welsh Ministers to prescribe additional information that must be contained in an application for registration. Regulations 3 and 4 specify the additional information that is to be provided by an applicant for registration. This includes the information listed in Schedule 1 together with a statement of purpose which contains the information described in Schedule 2. A statement of purpose must be provided for each place at, from or in relation to which a regulated service is to be provided.

Section 6(2) of the Act provides that the application for registration must be in the prescribed form. Regulation 5 makes provision that requires an application to be in the form of an on-line application, which is accessed from the relevant pages of the Welsh Government’s website.

Section 11(1) of the Act sets out the circumstances in which a service provider must apply to vary a registration. Section 11(3) sets out the information that must be contained in an application for variation of registration. Section 11(3)(a)(iii) enables the Welsh Ministers to prescribe other information that must be contained in an application to vary registration. Regulations 6 to 9 specify the information that is to be provided on an application to vary registration.

Regulations 6, 7 and 8 set out the further information that is required in respect of an application to vary made pursuant to section 11(1)(a)(i) and (ii) of the Act – that is where a provider either wants to provide a regulated service which the provider is not already registered to provide or where a provider wants to provide a regulated service at, from, or in relation to a place which is not already specified in the provider’s registration in relation to that service. The further information required includes the information listed in Schedule 1 together with a statement of purpose which contains the information described in Schedule 2. A statement of purpose must be provided for each place at, from or in relation to which a regulated service is to be provided.

Regulation 9 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(a)(iii) of the Act – that is where a service provider wants to cease to provide a regulated service.

Regulation 10 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(b) of the Act – that is where a service provider wants a condition imposed under section 7(3)(b), 12(2) or 13(1) of the Act to be varied or removed.

Regulation 11 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(c) of the Act – that is where a service provider wants to designate a different responsible individual in respect of a place or is required to designate a responsible individual because there is no such individual designated in respect of a place at, from or in relation to which the provider provides a regulated service. The further information required is the information listed in paragraphs 23 to 28 and paragraphs 38 to 49 of Schedule 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 11(3)(b) of the Act provides that an application for variation of registration must be in the prescribed form. Regulation 12 makes provision that requires an application for variation to be in the form of an on-line application, which is accessed from the relevant pages of the Welsh Government's website.

Section 11(2) of the Act places a duty on the Welsh Ministers to prescribe in regulations a time limit within which an application for variation of a provider's registration must be made in circumstances where there is no responsible individual designated in respect of a place at, from or in relation to which the provider provides a regulated service. Regulation 13 prescribes that time limit as being 28 days from the date upon which there is no individual designated as responsible individual in respect of the regulated service or place at, from or in relation to which the regulated service is provided.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.