



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 2

REGISTRATION ETC. OF SERVICE PROVIDERS

Urgent action

23 Urgent cancellation or variation of services or places

- (1) The Welsh Ministers may apply to a justice of the peace for an order authorising them—
 - (a) to cancel the registration of a service provider, or
 - (b) to vary the registration of a service provider by removing from the registration—
 - (i) a regulated service, or
 - (ii) a place at, from or in relation to which the provider is providing a regulated service.
- (2) The Welsh Ministers may apply for an order under subsection (1) only on the ground that unless the registration is cancelled or varied there is a serious risk—
 - (a) to a person's—
 - (i) life, or
 - (ii) physical or mental health, or
 - (b) of a person suffering from abuse or neglect.

Status: This is the original version (as it was originally enacted).

- (3) As soon as practicable after making an application under subsection (1) the Welsh Ministers must notify—
 - (a) each local authority and Local Health Board in whose area the service provider provides a regulated service, and
 - (b) any other person the Welsh Ministers think it appropriate to notify.
- (4) The justice of the peace may make the order only if the justice is satisfied as to the ground on which the Welsh Ministers made the application.
- (5) An order under this section may be made in the absence of the service provider to whom it relates if the justice of the peace is satisfied that—
 - (a) the Welsh Ministers have taken all reasonable steps to notify the service provider of their intention to apply for an order under this section, or
 - (b) it is not appropriate to take any such steps.
- (6) An order made under this section has effect—
 - (a) as soon as it is made, or
 - (b) at such other time as the justice of the peace thinks appropriate.
- (7) In particular, the justice of the peace may specify that the order is not to take effect until such time following the giving of notice under section 24(1) as the justice thinks appropriate.

24 Urgent cancellation or variation: notification and appeals

- (1) As soon as is practicable after an order is made under section 23 the Welsh Ministers must give a notice to the service provider to whom the order relates explaining—
 - (a) the terms of the order, and
 - (b) the right of appeal conferred by subsection (2).
- (2) No later than 14 days after the day on which the notice given under subsection (1) is given, the service provider may appeal to the tribunal against the making of the order.
- (3) But the tribunal may allow an appeal to be made after the expiry of that 14 day period if it is satisfied that there is a good reason for the failure to appeal before the expiry of that period (and for any delay in applying for permission to appeal out of time).
- (4) On an appeal under subsection (2), the tribunal may—
 - (a) confirm the order;
 - (b) revoke the order;
 - (c) make such other order (including an interim order) as the tribunal thinks appropriate.
- (5) An interim order of the tribunal may, among other things, suspend the effect of an order made under section 23 for such period as the tribunal may specify.

25 Urgent variation of registration: other conditions

- (1) This section applies where the Welsh Ministers think that unless they act under this section there is, or may be, a risk—
 - (a) to a person's—
 - (i) life, or

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- (ii) physical or mental health, or
 - (b) of a person suffering from abuse or neglect.
- (2) The Welsh Ministers may give a decision notice to a service provider—
 - (a) varying a condition imposed under section 7(3)(b), 12(2), 13(1) or previously imposed under this section, or
 - (b) imposing a condition that could have been imposed under any of those sections.
- (3) A decision notice given under subsection (2) takes effect on the day it is given.
- (4) A decision notice given under subsection (2) must—
 - (a) state that it is given under this section,
 - (b) specify the condition to be varied or imposed,
 - (c) give reasons for imposing or varying the condition,
 - (d) explain the right to make representations conferred by subsection (5), and
 - (e) explain the right of appeal conferred by section 26.
- (5) The Welsh Ministers may vary or remove a condition varied or imposed under subsection (2) by giving a further decision notice to the service provider, but before doing so they must have regard to any representations made to them by the service provider about the notice given under subsection (2).
- (6) A decision notice given under subsection (5) takes effect on the day it is given.
- (7) A decision notice given under subsection (5) must—
 - (a) state that it is given under this section,
 - (b) specify the condition to be varied or removed,
 - (c) give reasons for the decision, and
 - (d) explain the right of appeal conferred by section 26.