



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 6

LOCAL AUTHORITY SOCIAL SERVICES

58 Regulation of local authority functions relating to looked after and accommodated children

After section 94 of the 2014 Act (regulations about agency arrangements) insert—

*“Regulation of local authority functions relating
to looked after and accommodated children*

**94A Regulation of the exercise of local authority functions relating to
looked after and accommodated children**

- (1) Regulations may make provision about the exercise by local authorities of functions conferred on them by—
- (a) section 81 (ways in which looked after children are to be accommodated and maintained), or
 - (b) regulations made under section 87 (regulations about looked after children) making provision such as is mentioned in section 92(1), 93 or 94.
- (2) Regulations under subsection (1) may, for example, include provision—

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 58. (See end of Document for details)

- (a) as to the persons who are fit to work for local authorities in connection with the exercise of those functions,
 - (b) as to the fitness of premises to be used by local authorities in exercising those functions,
 - (c) as to the management and control of the exercise of those functions,
 - (d) as to the number of persons, or persons of a particular type, working for local authorities in connection with the exercise of those functions,
 - (e) as to the management and training of such persons, and
 - (f) as to the fees or expenses which may be paid to persons assisting local authorities in making decisions in the exercise of those functions.
- (3) Regulations under subsection (2)(a) may, in particular, make provision specifying that a person is not fit to work for a local authority in such position as may be specified if the person is not registered in, or in a particular part of, the register kept under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (registration of social care workers).

94B Offence of contravening regulations under section 94A

- (1) Regulations may provide that it is an offence for a person to contravene or fail to comply with a specified provision of regulations made under section 94A.
- (2) A person guilty of an offence under regulations made under subsection (1) is liable—
- (a) on summary conviction, to a fine, or to imprisonment for a term not exceeding 6 months, or to both;
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 2 years, or to both.
- (3) Sections 53 (offences by bodies corporate), 54 (offences by unincorporated bodies) and 55 (proceedings for offences) of the Regulation and Inspection of Social Care (Wales) Act 2016 apply to an offence under regulations made under subsection (1) as they apply to offences under Part 1 of that Act.”

Commencement Information

II S. 58 in force at 2.4.2018 by [S.I. 2017/1326](#), [art. 2\(3\)\(f\)](#)

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