
WELSH STATUTORY INSTRUMENTS

2002 No. 324

The Care Homes (Wales) Regulations 2002

PART I
GENERAL

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000;

“appropriate office” (“*swyddfa briodol*”) means in relation to a care home—

- (a) if an office has been specified under regulation 48 for the area in which the care home is situated, that office;
- (b) in any other case, any office of the National Assembly;

“environmental health authority” (“*awdurdod iechyd amgylchedd*”) means the authority responsible for environmental health for the area in which the care home is situated;

[^{F1}“fire and rescue authority” (“*awdurdod tân ac achub*”) means, in relation to a care home, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the care home is situated;]

“fostering arrangements” (“*trefniadau maethu*”) means arrangements made by, or on behalf of, a local authority under section 23(2)(a) of the Children Act 1989(1) or by a voluntary organisation under section 59(1)(a) of that Act, or arrangements made by a local authority or voluntary organisation under legislation similar to section 23(2)(a) or (as the case may be) section 59(1)(a);

[^{F2}“general practitioner” means a person who—

- (a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or
- (b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;]

“health care professional” (“*proffesiynolyn gofal iechyd*”) means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999(2) applies or who is a ^{F3} ... [^{F4} child psychotherapist];

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“organisation” (“*corff*”) means a body corporate;

“registered manager” (“*rheolwr cofrestredig*”), in relation to a care home, means a person who is registered under Part II of the Act as the manager of the care home;

(1) 1989 c. 41.
(2) 1999 c. 8.

“registered person” (“*person cofrestredig*”), in relation to a care home, means any person who is the registered provider or registered manager in respect of the care home;

“registered provider” (“*darparydd cofrestredig*”), in relation to a care home, means a person who is registered under Part II of the Act as a person carrying on the care home;

“relative” (“*perthynas*”), in relation to any person, means—

- (a) the person’s spouse [^{F5}or civil partner] ;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the person, or of the person’s spouse [^{F5}or civil partner];
- (c) the spouse [^{F5}or civil partner] of any relative within sub-paragraph (b) of this definition;
- (d) [^{F6}any individual who was provided with accommodation for more than 28 days between the ages of sixteen and eighteen under fostering arrangements made with the person, or the individual’s spouse][^{F5}or civil partner] ;

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, ^{F7}... references to “spouse” include a former spouse and a person who is living with the person as if they were husband and wife [^{F8}, and references to a “civil partner” include a former civil partner.] ;

“representative” (“*cynrychiolydd*”) means, in relation to a service user, a person, other than the registered person or a person employed at the care home, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” (“*unigolyn cyfrifol*”) has the meaning given to it in regulation 7;

“service user” (“*defnyddiwr gwasanaeth*”) means any person accommodated in the care home who is in need of nursing or personal care by reason of disability, infirmity, past or present illness, past or present mental disorder or past or present dependence on alcohol or drugs;

“service user’s guide” (“*arweiniad y defnyddiwr gwasanaeth*”) means the written guide produced in accordance with regulation 5(1);

“service user’s plan” (“*cynllun y defnyddiwr gwasanaeth*”) means the written plan prepared in accordance with regulation 15(1);

“staff” (“*staff*”) means persons employed by the registered person to work at the care home but does not include a volunteer or a person employed under a contract for services;

“statement of purpose” (“*datganiad o ddiben*”) means the written statement compiled in accordance with regulation 4(1).

- (2) In these Regulations, unless the context otherwise requires, a reference—
 - (a) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;
 - (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
 - (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.
- (3) In these Regulations, unless the contrary intention appears, references to employing a person include—
 - (a) employing a person whether or not for payment;
 - (b) employing a person under a contract of service or a contract for services; and
 - (c) allowing a person to work as a volunteer;

and references to an employee or to a person being employed shall be construed accordingly.

(4) In these Regulations a reference to a person working at a care home shall be taken to include a reference to a person working for the purposes of a care home.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (25.10.2005) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005 \(S.I. 2005/2929\)](#), arts. 1(1), **65(2)**
- F2** Words in [reg. 2\(1\)](#) substituted (1.4.2004) by [The General Medical Services Transitional and Consequential Provisions \(Wales\) \(No. 2\) Order 2004 \(S.I. 2004/1016\)](#), art. 1(1), **Sch. 1 para. 26(2)**
- F3** Words in [reg. 2\(1\)](#) omitted (1.7.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(9), **Sch. 4 para. 6**; S.I. 2009/1357, art. 2(1)(c)
- F4** Words in [reg. 2\(1\)](#) substituted (31.5.2004) by [The Care Homes \(Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1314\)](#), regs. 1(1), **2**
- F5** Words in [reg. 2\(1\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Consequential Amendments to Subordinate Legislation\) \(Wales\) Order 2005 \(S.I. 2005/3302\)](#), art. 1(2), **Sch. para. 17(a)(i)**
- F6** Words in [reg. 2\(1\)](#) substituted (31.12.2002) by [The Children Act 1989 and the Care Standards Act 2000 \(Miscellaneous Regulations\) \(Amendment\) \(Wales\) \(No. 2\) Regulations 2002 \(S.I. 2002/2935\)](#), regs. 1(1), **2(2)**
- F7** Word in [reg. 2\(1\)](#) revoked (5.12.2005) by [The Civil Partnership Act 2004 \(Consequential Amendments to Subordinate Legislation\) \(Wales\) Order 2005 \(S.I. 2005/3302\)](#), art. 1(2), **Sch. para. 17(a)(ii)**
- F8** Words in [reg. 2\(1\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Consequential Amendments to Subordinate Legislation\) \(Wales\) Order 2005 \(S.I. 2005/3302\)](#), art. 1(2), **Sch. para. 17(a)(iii)**

Commencement Information

- I1** [Reg. 2](#) in force at 1.4.2002, see [reg. 1\(1\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care Homes (Wales) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by S.I. 2018/48 Sch. 2
- reg. 2 words inserted by S.I. 2011/1016 reg. 3(2)
- reg. 2(1) words inserted by S.I. 2016/211 Sch. 3 para. 45(b)
- reg. 2(1) words substituted by S.I. 2014/107 Sch. 2 para. 2(1)
- reg. 2(1) words substituted by S.I. 2014/107 Sch. 2 para. 2(2)
- reg. 2(1) words substituted by S.I. 2016/211 Sch. 3 para. 45(a)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 5A inserted by S.I. 2011/1016 reg. 3(7)(b)
- Sch. 2 para. 5A words substituted by S.I. 2017/52 Sch. 1 para. 4(3)
- reg. 7(5)(6) reg. 7(4)(5) renumbered as reg. 7(5)(6) by S.I. 2011/1016 reg. 3(3)(b)
- reg. 7(6)(a) word substituted by S.I. 2016/481 Sch. 2 para. 15(a) (English text)
- reg. 7(6)(a) words inserted by S.I. 2012/2404 Sch. 3 para. 21(2)(a)
- reg. 7(6)(a) words inserted by S.I. 2012/2404 Sch. 3 para. 21(2)(c)
- reg. 7(6)(a) words inserted by S.I. 2012/2404 Sch. 3 para. 21(3)(a) (amendment to Welsh text)
- reg. 7(6)(a) words inserted by S.I. 2012/2404 Sch. 3 para. 21(3)(c) (amendment to Welsh text)
- reg. 7(6)(a) words omitted by S.I. 2012/2404 Sch. 3 para. 21(2)(b)
- reg. 7(6)(a) words omitted by S.I. 2012/2404 Sch. 3 para. 21(3)(b) (amendment to Welsh text)
- reg. 7(6)(a) words substituted by S.I. 2016/481 Sch. 2 para. 15(b) (Welsh text)
- reg. 9(3)-(6) inserted by S.I. 2011/1016 reg. 3(5)(c)
- reg. 9(6) words substituted by S.I. 2017/52 Sch. 1 para. 4(2)
- reg. 9(7) reg. 9(3) renumbered as reg. 9(7) by S.I. 2011/1016 reg. 3(5)(b)