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WELSH STATUTORY INSTRUMENTS

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**2002 No. 327**

**The Children's Homes (Wales) Regulations 2002**

**PART 1**  
**GENERAL**

**Interpretation**

**2.—(1)** In these Regulations—

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

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989<sup>(1)</sup>;

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

- (a) if an office has been specified under regulation 42 for the area in which the children's home is situated, that office;
- (b) in any other case, any office of the National Assembly;

“child protection enquiry” (“*ymchwiliad amddiffyn plant*”) means any enquiry carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children;

“children's guide” (“*arweiniad plant*”) means the guide referred to in regulation 4;

“foster parent” (“*rhiant maeth*”) shall be construed in accordance with section 1(7) of the Act;

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner who—

- (a) provides general medical services under Part II of the National Health Service Act 1977<sup>(2)</sup>,
- (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997<sup>(3)</sup>; or
- (c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;

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

“organisation” (“*corff*”), other than in regulation 17(6) where the term shall be construed in accordance with the purpose of the provision in which it is used, means a body corporate;

“placement plan” (“*cynllun lleoliad*”) means the plan referred to in regulation 12;

“placing authority” (“*awdurdod lleoli*”) in relation to a child accommodated in a children's home means—

- (a) in the case of a child who is looked after by a local authority, that local authority;

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<sup>(1)</sup> 1989 c. 41.

<sup>(2)</sup> 1977 c. 49.

<sup>(3)</sup> 1997 c. 46.

- (b) in the case of a child who is not looked after by a local authority—
- (i) if he is being provided with accommodation by a voluntary organisation<sup>(4)</sup>, that voluntary organisation;
  - (ii) if he is accommodated in a qualifying school under arrangements made by a local education authority or a local authority, that local education authority or local authority as the case may be;
  - (iii) in any other case, the child's parent;

“qualifying school” (*ysgol gymwys*) means a school which is a children's home within the meaning of section 1(6) of the Act;

“registered dental practitioner” (*ymarferydd deintyddol cofrestredig*) means a person registered in the dentists register kept under the Dentists Act 1984<sup>(5)</sup>;

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

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

“registered provider” (*darparnydd cofrestredig*), in relation to a children's home, means a person who is registered under Part II of the Act as the person carrying on that home<sup>(6)</sup>;

“responsible individual” (*unigolyn cyfrifol*) has the meaning given to it in regulation 6; and

“statement of purpose” (*datganiad o ddiben*) means the statement referred to in regulation 4.

(2) In these Regulations, 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 children's home shall be taken to include a reference to a person working for the purposes of a children's home.

<sup>(4)</sup> Section 59 of the 1989 Act governs the provision of accommodation for children by voluntary organisations.

<sup>(5)</sup> 1984 c. 24.

<sup>(6)</sup> See section 121(6) to (8) for provision about the persons who are taken to carry on and manage a community home which is provided by a voluntary organisation.